

JOURNAL  
OF THE  
PROCEEDINGS  
OF THE  
CONSTITUTIONAL  
CONVENTION

OF THE  
STATE OF ALABAMA,  
HELD IN THE  
CITY OF MONTGOMERY,  
COMMENCING MAY 21ST, 1901,



With an Index prepared by the Secretary.

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MONTGOMERY, ALABAMA  
THE BROWN PRINTING COMPANY, PRINTERS AND BINDERS  
1901

# JOURNAL.

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## FIRST DAY.

### CONSTITUTIONAL CONVENTION HALL.

Montgomery, Ala., May 21, 1901.

In compliance with the terms of an Act entitled "An Act to Revise and Amend the Constitution of the State of Alabama," approved December 11th, 1900, there assembled in the Hall of the House of Representatives in the Capitol in the city of Montgomery on this, May 21st, 1901, at 12 o'clock noon meridian, a Convention, composed of duly elected and accredited representatives of the people of Alabama, for the purpose indicated in said Act. Hon. Thomas N. McClellan, Chief Justice of the Supreme Court of Alabama, as directed by the enabling act, called the Assembly to order promptly at the noon hour, and appointed the Secretary of State, Hon. Robert P. McDavid, to act as Secretary of the temporary organization.

The Chief Justice referred the attention of the members to the Act providing for the organization of the Convention, and from a list of duly elected delegates, which had been certified to him by the Secretary of State, he called the names of the members, all of whom came forward and enrolled themselves as follows:

Messrs. D. C. Almon,  
W. A. Altman,  
John T. Ashcraft,  
Wm. H. Banks,  
J. H. Barefield,  
W. H. Bartlett.  
J. Robert Beavers,  
C. P. Beddow,

D. S. Bethune,  
Samuel Blackwell,  
B. Boykin Boone,  
Leslie E. Brooks,  
Cecil Browne,  
Thos. L. Bulger,  
John D. Burnett,  
John F. Burns,



John A. Byars,  
H. W. Cardon,  
A. H. Carmichael,  
M. S. Carmichael,  
G. H. Carnathon,  
D. C. Case,  
Reuben Chapman,  
James E. Cobb,  
W. T. L. Cofer,  
E. W. Coleman,  
Thomas W. Coleman,  
Thomas J. Cornwell,  
B. H. Craig,  
R. M. Cunningham,  
Herbert T. Davis,  
John A. Davis,  
S. H. Dent,  
Edw. W. deGraffenried,  
J. B. Duke,  
B. T. Eley,  
John C. Eyster,  
T. M. Espy,  
Chas. W. Ferguson,  
Wm. C. Fitts,  
A. S. Fletcher,  
J. M. Foshee,  
J. M. Foster,  
Newman H. Freeman,  
John A. Gilmore,  
W. F. Glover,  
Edward A. Graham,  
Joseph B. Graham,  
L. W. Grant,  
John W. Grayson,  
Charles H. Greer,  
L. F. Greer,  
C. L. Haley,  
William A. Handley,  
Geo. P. Harrison,  
John T. Heflin,  
J. Thomas Heflin,  
J. C. Henderson,  
Evans Hinson,  
P. W. Hodges,  
O. R. Hood,

W. P. Howell,  
A. C. Howze,  
W. B. Inge,  
E. C. Jackson,  
Samuel C. Jenkins,  
John C. Jones,  
James McLean Jones,  
Richard C. Jones,  
Thomas G. Jones,  
John J. King,  
James T. Kirk,  
W. W. Kirkland,  
Wm. N. Knight,  
John B. Knox,  
R. B. Kyle,  
E. W. Ledbetter,  
Lawrence W. Locklin,  
Tennent Lomax,  
J. Lee Long,  
T. L. Long,  
Robert J. Lowe,  
W. T. Lowe,  
Gordon Macdonald,  
Lee McMillan,  
Geo. H. Malone,  
J. T. Martin,  
J. C. Maxwell,  
A. H. Merrill,  
Charles H. Miller,  
Joseph N. Miller,  
Milo Moody,  
E. R. Morrisette,  
W. O. Mulkey,  
Joel D. Murphree,  
C. C. NeSmith,  
J. D. Norman,  
Norvelle, R. Leigh, Jr.  
Joseph Norwood,  
Wm. C. Oates,  
Emmet O'Neal,  
John W. O'Neill,  
Henry Opp,  
Rufus A. O'Rear,  
Dabney Palmer,  
George H. Parker,

John H. Parker,  
James P. Pearce,  
Erle Pettus,  
E. A. Phillips,  
Harry Pillans,  
P. H. Pitts,  
John H. Porter,  
John F. Porter,  
John F. Proctor,  
Henry Fontaine Reese,  
N. P. Renfro,  
Lewis H. Reynolds,  
R. J. Reynolds,  
J. J. Robinson,  
John A. Rogers,  
C. J. Rogers, Sr.,  
Wm. H. Sanford,  
W. T. Sanders,  
John W. A. Sanford,  
George A. Searcy,  
Henry C. Selheimer,  
J. O. Sentell,  
J. B. Sloan,  
Gregory L. Smith,  
MacA. Smith,

Morgan M. Smith,  
Michael Sollie,  
George A. Sorrell,  
N. B. Spears,  
Robert E. Spragins,  
J. H. Stewart,  
S. L. Studdard,  
W. H. Tayloe,  
J. F. Thompson,  
Watkins M. Vaughan.  
Boswell deG. Waddell.  
Richard W. Walker,  
Thomas H. Watts,  
John B. Weakley,  
James Weatherly,  
Frank S. White,  
W. W. Whiteside,  
E. D. Willet,  
A. E. Williams,  
Gesner Williams,  
Jere N. Williams,  
E. P. Wilson,  
Massey Wilson,  
James J. Winn.

The Chief Justice then administered the following oath to the whole body, standing, it being in the language of the oath presented in the Enabling Act, to-wit:

"I do solemnly swear that I will support the Constitution of the United States, and I will honestly and faithfully perform the duties which are now to devolve on me as a delegate of this Convention, so help me God."

Upon motion of Mr. Harrison, of Lee, the Convention then adjourned until 11 o'clock A. M. on tomorrow.

## SECOND DAY.

## CONSTITUTIONAL CONVENTION HALL.

Montgomery, Ala., Wednesday, May 22, 1901.

The Convention was called to order by the Chief Justice at 11 A. M.

The Divine blessing was invoked by the Rev. Mr. Patterson, of Montgomery.

Upon the call of the roll 150 members, a quorum, responded as follows:

Messrs. Almon,	deGraffenried,
Altman,	Duke,
Ashcraft,	Eley,
Banks,	Eyster,
Barefield,	Espy,
Beavers,	Ferguson,
Beddow,	Fitts,
Bethune,	Fletcher,
Blackwell,	Foshee,
Boone,	Foster,
Brooks,	Freeman,
Browne,	Gilmore,
Bulger,	Glover,
Burnett,	Graham (Montgomery),
Burns,	Graham (Talladega),
Byars,	Grant,
Cardon,	Grayson,
Carmichael (Colbert),	Greer (Calhoun),
Carmichael (Coffee),	Greer (Perry),
Carnathon,	Haley,
Case,	Handley,
Chapman,	Harrison,
Cobb,	Heflin (Chambers),
Coleman (Greene),	Heflin (Randolph),
Coleman (Walker),	Henderson,
Cornwell,	Hinson,
Craig,	Hodges,
Cunningham,	Hood,
Davis (DeKalb),	Howell,
Davis (Etowah),	Howze,
Dent,	Inge,

Jackson,  
 Jenkins,  
 Jones (Bibb),  
 Jones (Hale),  
 Jones (Montgomery),  
 Jones (Wilcox),  
 King,  
 Kirk,  
 Kirkland,  
 Knight,  
 Kyle,  
 Ledbetter,  
 Leigh,  
 Locklin,  
 Lomax,  
 Long (Butler),  
 Long (Walker),  
 Lowe (Lawrence),  
 Macdonald,  
 McMillan (Baldwin),  
 McMillan (Wilcox),  
 Malone,  
 Martin,  
 Maxwell,  
 Merrill,  
 Miller (Marengo),  
 Miller (Wilcox),  
 Moody,  
 Morrisette,  
 Mulkey,  
 Murphree,  
 NeSmith,  
 Norman,  
 Norwood,  
 Oates,  
 O'Neal (Lauderdale),  
 O'Neill (Jefferson),  
 Opp,  
 O'Rear,  
 Palmer,  
 Parker (Cullman),  
 Parker (Elmore),  
 Pearce,  
 Pettus,

Phillips,  
 Pillans,  
 Pitts,  
 Porter,  
 Procter,  
 Reese,  
 Renfroe,  
 Reynolds (Chilton),  
 Reynolds (Henry),  
 Robinson,  
 Rogers (Lowndes),  
 Rogers (Sumter),  
 Samford,  
 Sanders,  
 Searcy,  
 Selheimer,  
 Sentell,  
 Sloan,  
 Smith (Mobile),  
 Smith, Mac. A.,  
 Smith, Morgan M.,  
 Sollie,  
 Sorrell,  
 Spears,  
 Spragins,  
 Stewart,  
 Studdard,  
 Tayloe,  
 Thompson,  
 Vaughan,  
 Waddell,  
 Walker,  
 Watts,  
 Weakley,  
 Weatherly,  
 White,  
 Whiteside,  
 Willett,  
 Williams (Marengo),  
 Williams (Elmore),  
 Wilson (Clarke),  
 Wilson (Washington),  
 Winn—150.

Mr. Graham moved that the Convention proceed to the election of permanent officers, which motion prevailed.

Mr. T. W. Coleman placed in nomination for President of the Convention Mr. John B. Knox of Calhoun. The motion was seconded by Mr. J. Thomas Heflin, of Chambers. No other nominations being made, Mr. Coleman moved that the rules be suspended and that Mr. Knox be elected by acclamation, which motion prevailed. Mr. Knox was thereupon unanimously elected by acclamation.

The Chair appointed Messrs. T. W. Coleman, Oates and Lomax to advise Mr. Knox of his election and escort him to the President's chair.

The Chief Justice presented Mr. Knox to the Convention as its President, and relinquished to him the chair.

In accepting it Mr. Knox said:

*Gentlemen of the Convention:*

I thank you for the high honor you have conferred in elevating me to preside over the deliberations of this Convention. Viewed from the standpoint of my profession, to which, up to this moment, my life's work has been devoted, it is a great honor, indeed; for I know of no higher honor than can be conferred upon a lawyer than to be made President of the Constitutional Convention, which represents the sovereignty of his people, and numbers among its delegates, in large part, the intellect and talent of the State—those who have in the past, and who will in the future exert a potent influence in shaping and directing the affairs of the State.

#### IMPORTANCE OF THE ISSUE.

In my judgment, the people of Alabama have been called upon to face no more important situation than now confronts us, unless it be when they, in 1861, stirred by the momentous issues of impending conflict between the North and the South, were forced to decide

whether they would remain in or withdraw from the Union.

Then, as now, the negro was the prominent factor in the issue.

The Southern people, with this grave problem of the races to deal with, are face to face with a new epoch in Constitution-making, the difficulties of which are great, but which, if solved wisely, may bring rest and peace and happiness. If otherwise, it may leave us and our posterity continuously involved in race conflicts, or, what may be worse, subjected permanently to the baneful influences of the political conditions now prevailing in the State.

So long as the negro remains in insignificant minority, and votes the Republican ticket, our friends in the North tolerate him with complacency, but there is not a Northern State, and I might go further and say there is not an intelligent white man in the North, not gangrened by sectional prejudice and hatred of the South, who would consent for a single day to submit to negro rule.

If the negroes of the South should move in such numbers to the State of Massachusetts, or any other Northern State, as would enable them to elect the officers, levy the taxes and control the government and policy of that State, I doubt not they would be met, in spirit, as the negro laborers from the South were met at the State line of Illinois, with bayonets, led by a Republican Governor, and firmly but emphatically informed that no quarter would be shown them in that territory.

One has studied the history of recent events to very little purpose who has failed to discover that race prejudice exists at the North in as pronounced a form as at the South, and that the question of negro domination, when brought home, will arouse the same opposition in either section.

And what is it that we do want to do? Why, it is, within the limits imposed by the Federal Constitution, to establish white supremacy in this State.

This is our problem, and we should be permitted to deal with it, unobstructed by outside influences, with a sense of our responsibilities as citizens, and our duty to posterity.

## NORTHERN INTERFERENCE.

Some of our Northern friends have ever exhibited an unwonted interest in our affairs. It was this interference on their part that provoked the most tremendous conflict of modern times; and there are not a few philanthropists in that section who are still uneasy lest we be permitted to govern ourselves and allowed to live up to the privileges of a free and sovereign people! Some of the same, in like missionary spirit, are greatly concerned about the condition of the Chinaman in China, but we do not find them appealing to Congress, or interfering with the local policy of California, a Northern State, for the protection of the Chinaman, who is a resident there, or making any attempt to interfere with the right of *that* people to govern themselves, and to provide for a pure administration of government and for the protection of property!

If it is the negro that is the object of their solicitude, it would seem—not to speak of Africa itself—they would find an inviting field in Cuba and in our new acquisitions of Hawaii, Porto Rico and the Philippines. The disinclination they exhibit to enter this field only serves to confirm the well-grounded conviction in this section, that the point of their interference is not so much to elevate the black man as it is to humiliate the white man, with whom they have long been in antagonism.

But we may congratulate ourselves that this sectional feeling, which has served to impair the harmony of our common country, and to limit the power and retard the development of the greatest government on earth, is fast yielding to reason.

While we may differ from him politically, there is not an enlightened and patriotic Southern man who fails to see that much of this result is due to the honorable and statesmanlike policy of the present Chief Executive of these United States, who, by the consideration he has shown our section in many ways, notably in the Spanish-American war, and by refusing to lend his approval to any movement looking to the reduction of our represen-

tation in Congress or in the Electoral College; has shown himself capable of being President of the whole country, and not merely one section of it, and has been enabled to present the spectacle of a reunited people, and contributed much to place our government in the very front rank with the nations of the world.

THE ATTITUDE OF THE SOUTHERN MAN TOWARDS THE  
NEGRO.

The Southern man knows the negro, and the negro knows him. The only conflict which has, or is ever likely to arise, springs from the effort of ill-advised friends in the North to confer upon him, without previous training or preparation, places of power and responsibility, for which he is wholly unfitted, either by capacity or experience.

When it comes, however, to dealing with the negro, in domestic service, or in a business way, the Southerner is infinitely more indulgent to him than his Northern compatriot.

There comes to us a well-authenticated story from Kentucky, of an old darky, who, after the war, influenced by the delusion that the only friends the negro had were in the North, wandered up into Illinois, hoping to find an easy fortune. But here he soon found, that while the people had much to say to him about the evils of slavery, and the destiny of his race, every one with whom he did business, held him to a strict accountability. Trained, as he was, to the slow movement of the mule in the Southern cornfield and cotton patch, he could not handle the complicated machinery, or keep pace with the quicker methods of farming in the West, and so he was soon cast adrift. When he asked for help he was told to go to work, and so he wandered, foot-sore and weary, back through Indiana and Ohio, until he reached again the old Southern plantation in Kentucky. Finding the planter comfortably seated upon his veranda, the old darky approached, hat in hand, and asked for something to eat.



"Why, you damn black rascal, what are you stopping here for? Go into the kitchen and tell the cook to give you something to eat."

"Before God, master," the old darkey said, grinning from ear to ear, "them's the sweetest words I'se heard since I left old Dixie."

The old man was home at last. He was among people who understood him, and whom he understood.

#### WHITE SUPREMACY BY LAW.

But if we would have white supremacy, we must establish it by law—not by force or fraud. If you teach your boy that it is right to buy a vote, it is an easy step for him to learn to use money to bribe or corrupt officials or trustees of any class. If you teach your boy that it is right to steal votes, it is an easy step for him to believe that it is right to steal whatever he may need or greatly desire. The results of such an influence will enter every branch of society; it will reach your bank cashiers, and affect positions of trust in every department; it will ultimately enter your courts, and affect the administration of justice.

I submit it to the intelligent judgment of this Convention that there is no higher duty resting upon us, as citizens and as delegates, than that which requires us to embody in the fundamental law such provisions as will enable us to protect the sanctity of the ballot in every portion of the State.

The justification for whatever manipulation of the ballot that has occurred in this State has been the menace of negro domination. After the war, by force of Federal bayonets, the negro was placed in control of every branch of our government. Inspired and aided by unscrupulous white men, he wasted money, created debts, increased taxes until it threatened to amount to confiscation of our property. While in power, and within a few years, he increased our State debt from a nominal figure to nearly thirty millions of dollars. The right of revolution is always left to every people. Being prostrated by the effects of the war, and unable to take

up arms in their own defense, in some portions of this State, white men, greatly in the minority, it is said, resorted to strategem—used their great intellect to overcome the greater numbers of their black opponents. If so, such a course might be warranted when considered as the right of revolution, and as an act of necessity for self-preservation. But a people cannot always live in a state of revolution. The time comes when, if they would be a free, happy and contented people they must return to a constitutional form of government, where law and order prevail, and where every citizen stands ready to stake his life and his honor to maintain it.

#### WHAT REMEDY SHALL BE ADOPTED.

Upon the threshold of our deliberations, I will not undertake to indicate to you how you should solve this new and difficult question of Constitutional reform. At the outset of this movement, I venture to suggest that delegates should be cautious in undertaking to define just what provisions would be or should be embodied in the Constitution; that the new Constitution, when made and placed before the people for ratification, would be and ought to be the result of the united action of the Convention; that if one came here with his mind made up and his Constitution in his pocket, he would hardly be in a fit condition to confer with his fellow-delegates on this important subject. I still hold this view. I fail to appreciate the idea of those who seem to think it the duty of delegates to this Convention to write out and publish their views before the Convention meets. Under this plan, we would be liable to have as many Constitutions as delegates. What the people want, in my judgment, is an earnest consideration of and consultation upon these important questions, so that the finished work will represent the united wisdom and experience of the Convention.

Mississippi is the pioneer State in this movement. In addition to the payment of a poll tax, there it is provided that only those can vote who have been duly reg-

istered, and only those can register who can read, or understand when read to them, any clause in the Constitution. The decision as to who are sufficiently intelligent to meet the requirements of the understanding clause is exclusively in the hands of the registrars.

But to this plan, the objection has been urged with force that it perpetuates the very form of abuse from which we are seeking to escape; that elections by managers or registrars is not what we want. Our aim should be for a correction of all evils which threaten the purity of the ballot and the morals of the people.

The provision adopted in South Carolina requires the payment of the poll tax, assessed against him for the previous year, six months before any election, and that the voter shall be duly registered. To be qualified for registration up to January 1st, 1898, voters must have been able to read a clause in the Constitution, or understand or explain it when read by the registration officer; and all who register subsequent to that time must be able both to read and write any section of the Constitution, or else show ownership of property assessed at three hundred dollars or more, and the payment of all taxes assessed against him and collectable during the previous year.

In Louisiana and North Carolina, the methods of relief adopted are substantially the same, and require in addition to the poll tax clause, that the voter shall register in accordance with the provisions of the Constitution, and only those are authorized to register who are able to read and write any section of the Constitution in the English language, with the further proviso that no male person who was, on January 1st, 1867, or at any time prior thereto, entitled to vote under the laws of any State in the United States wherein he then resided, and no lineal descendant of any such person shall be denied the right to register and vote at any election by reason of his failure to possess the educational qualifications prescribed, provided he registers within the time limited by the terms of the Constitution, which in Louisiana is about six months, in North Carolina about eight years.

It is contended in defense of this provision, that while in effect, it will exclude the great mass of ignorant negro voters, it does not, in terms, exclude them, and applies generally to all classes of voters, without reference to their race, color or previous condition of servitude; that all negroes who were voters prior to January, 1867,—of whom it was claimed, there were quite a number—could vote, and the descendants—whether slaves or not—of these free negroes, were entitled to vote, and that these were quite numerous. And, on the other hand, that white people born in other countries—emigrants—who cannot read and write, could not vote, nor could white people who were unable to vote in the State in which they lived prior to 1867, unless they were able to read and write. If it be said that this exception permits many more white people to vote than negroes, the answer was that this would be equally true of any proper qualification which might be proposed. It would be true of an educational qualification, and it would be true of a property qualification, the validity of which has never been questioned.

These provisions are justified in law and in morals, because it is said that the negro is not discriminated against on account of his race, but on account of his intellectual and moral condition. There is a difference it is claimed with great force, between the uneducated white man and the ignorant negro. There is in the white man an inherited capacity for government which is wholly wanting in the negro. Before the art of reading and writing was known, the ancestors of the Anglo-Saxon had established an orderly system of government, the basis, in fact, of the one under which we now live. That the negro, on the other hand, is descended from a race lowest in intelligence and moral perception of all the races of men. As was remarked by the Supreme Court of the United States, in the case of *Williams vs. Mississippi* (170 U. S., 213), quoting the Supreme Court of Mississippi, "Restrained by the Federal Constitution from discriminating against the negro race, the Convention discriminates against its characteristics and the offenses to which its criminal members are prone."

As stated by Judge Cooley, the right of suffrage is not a natural right, because it exists where it is allowed to be exercised only for the good of the State—to say that those who participate in the affairs of the State would endanger and imperil the good of the State, have, nevertheless, the right to participate, is not only folly in itself, but it is to set the individual above the State.

#### THE RIGHT OF SUFFRAGE IN MASSACHUSETTS.

The election laws in Massachusetts contain substantially the same provisions as are embodied in the Constitution of Louisiana and North Carolina just referred to. The election law of that State, as it stands today, provides that the voter must be able to read the Constitution of the Commonwealth in the English language, and to write his name, except that “no person who is prevented from reading and writing as aforesaid, by physical disability, or who had the right to vote on the 1st day of May in the year 1857, shall, if otherwise qualified, be deprived of the right to vote by reason of not being able so to read or write.”

While it is true that the provisions of this law do not extend to the descendants of the voter, yet it does not seem that on that account the principle involved would be affected. The exception in the Massachusetts law was no doubt directed against illiterate and incompetent immigrants, whereas, the provisions in the Constitution of Louisiana and North Carolina were directed against illiterate and incompetent negroes, as well as foreigners.

But it is beyond the province of courts, it is claimed, to inquire into the motives of the law-making power; their function is confined to ascertaining the meaning and effect of the law drawn in question.

These views have been elaborated and ably defended by Mr. Semmes of Louisiana and by Mr. Rountree and Senator Simmons of North Carolina, from whose able arguments I have greatly profited.

They find strong support in the opinion of the Supreme Court of the United States, in the Mississippi case, where it is said: "If weakness were to be taken advantage of, it was to be done within the field of permissible action, under the limitations imposed by the Federal Constitution, and the means of it were the alleged characteristics of the negro race, not the administration of the law by officers of the State. Besides, *the operation of the Constitution and laws is not limited by their language or effect to one race.*" Williams vs. Mississippi, 170, U. S., 113.

In Van Valkenberg vs. Brown (13 Am. Rpts., 142), speaking of the limitation imposed upon the States by the recent amendment to the Federal Constitution, the Supreme Court of California say: "The mere power of the State to determine the class of inhabitants who may vote within her limits was not curtailed by the Fourteenth Amendment. The Fifteenth Amendment took away her power to discriminate against citizens of the United States on account of either race, color or previous condition of servitude, *but the power of exclusion upon all other grounds remains intact.*"

Practically to the same effect is the decision of the United States Supreme Court in the case of Minor vs. Happersett, 21 Wall., 162.

The principle of inherited capacity is recognized even by the inspired Apostle, for you remember where Paul, in his epistle to Timothy, when he was preparing to preach the glorious gospel, refers to it even in the matter of faith, for he says: "I am persuaded that the unfeigned faith which dwelt first in thy grandmother Lois, and in thy mother Eunice, dwells also in thee."

The great work before this Convention will be to study and carefully consider this question. It is for this purpose that so many of the wise and conservative men of the State, including many of the ablest representatives of the bar, have been asked, for the time, to lay aside their business and the duties of an exacting profession, and consecrate to the service of the State all the talent, experience and ability they possess. I am not prepared to say whether or not this Convention will

approve the form of relief which has been adopted in our sister States, but I feel confident that there is intelligence and ability enough here to settle this question to the satisfaction of our people. We have inaugurated the movement, and we must succeed, and I confidently believe we will succeed. It is not to be expected that a reform movement like this will meet with universal approval, but when your finished work is submitted, and you present, as I believe you will, a practical solution of the evil conditions under which we now live, it will be appreciated and accepted by our people.

#### AUTHORITY TO FUND THE STATE DEBT.

There are other questions which might be considered, but to which I shall be able to give only passing notice. In view of the fact that a large part of the State's bonded indebtedness will soon mature, it is important and necessary that some provision should be made for funding the indebtedness of the State. Very able lawyers have doubted if there be any authority in the State, under the present Constitution to fund the State's indebtedness. At the time of the adoption of the present Constitution, the creation of debt on the part of State, county and municipal authorities had been abused to such an extent as to cause great alarm, and so the framers of the present Constitution, in their anxiety to curtail this evil, seem not to have provided as fully as might be for the payment of the funding of the State's indebtedness by the issuance of new bonds or obligations. The provision of the present Constitution on this subject is as follows:

"After the ratification of this Constitution, no new debt shall be created against, or incurred by this State, or its authority, except to repel invasion or suppress insurrection, and then only by a concurrence of two-thirds of the members of each house of the General Assembly, and the vote shall be taken by yeas and nays, and entered upon the journals; and any act creating or incurring any new debt against this State, except as herein provided for, shall be ab-

solutely void; *provided*, the Governor may be authorized to negotiate temporary loans, never to exceed one hundred thousand dollars, to meet deficiencies in the treasury; and until the same is paid, no new loan shall be negotiated; *provided*, further, that this section shall not be construed as to prevent the issuance of bonds in adjustment of existing State indebtedness."

The power to settle the State's then existing indebtedness has been exercised under the debt settlement acts, and a doubt has been raised whether, under the restrictive terms of the present Constitution, there be any power to issue new bonds to pay or fund the debt at its maturity.

There can be no doubt but that the State debt, under present conditions, can be funded at a greatly reduced rate of interest, and at such a rate as will leave the State largely more than the cost of the holding of this Convention.

#### MUNICIPAL AND COUNTY INDEBTEDNESS.

Then, again, there is the question of the authority of county and municipal governments to create debts totally beyond the resources which must be looked to to provide payment. The framers of the present Constitution carefully stipulated a maximum rate of taxation, but made no provision against the creation of debt over and beyond the resources of the county or municipality. Consequently, improvident and unscrupulous officers have been able to impair the credit and fasten a load of debt upon cities and counties in different portions of the State, which has involved many of them in litigation and bankruptcy. Some just provision should be incorporated, limiting the power to create debt beyond the reasonable ability of the county or municipality to pay.

#### EDUCATION.

Then, again, there is the great question of education which so vitally touches the interests of our people. I



believe we should keep faithfully the pledges we have given not to increase taxation, but this should not deter us from making every effort to rid our State of the disgrace of its illiteracy. As Dr. Curry forcibly puts it, it will not do to say you are too poor to educate the people—you are too poor not to educate them.

Nothing has so retarded the rapid growth and development of our State as the absence of a well-regulated system of public schools, so as to place within the reach of every child in the State, both rich and poor, the means of obtaining, free of tuition fees, such instruction as will qualify him for the responsible duties of life.

The productive power of labor in Massachusetts is said to be nearly double that of the average for each inhabitant of the whole United States, and the reason assigned is the superior educational advantages she furnishes to her people.

You cannot expect skilled labor to enter our State if, by doing so their children are to be denied the means of a common school education. We must fight ignorance as we would fight malaria, for it is only by educating its people that a State can gain and maintain a proud position among the nations of the earth.

It has been urged in some quarters as a reason why this movement for a new Constitution should be defeated that we propose to adopt a suffrage plank which will offer to the negro an incentive to obtain an education, while the child of the white man will be without a like stimulus, because protected in his right to vote, without regard to the density of his ignorance.

I do not understand that any delegate to this Convention is pledged to any such legislation. We are pledged "not to deprive any white man of the right to vote," but this does not extend unless this Convention chooses to extend it beyond the life of voters now living. It is a question to be considered most carefully whether we would be warranted in pursuing any course which would have a tendency to condemn any part of our population to a condition of perpetual illiteracy. Provision of the Constitution prescribing educational

qualifications for the voters as it affects those who now have no right to vote, but in the course of time will acquire the right, are wisely intended to serve not as a curse, but as a noble stimulus to the acquirement of an education and to proper preparation for meeting and discharging the duties of a citizen.

There is strong reason why those who have fought the battles of the State—those who have been trained in the duties of citizenship, and possess character, judgment and intelligence which enable them to appreciate the responsibility it imposes, should not be denied the right to vote, even though they may lack the elements of an education, but it does not follow that it is to the interest of the State that the indulgence should be extended to the second generation—especially so when it is considered that the facilities for learning to read and write are within reach and so easy to obtain!

The States of Mississippi, South Carolina and Louisiana, in dealing with this great question, have rightfully considered that the betterment of the facilities for securing an education for all the people was a necessary and essential part of any just and wise scheme for the regulation of the right of suffrage, and for the purification of the ballot.

There are other matters of importance I might refer to, but I have already continued much longer than was intended. Your work is before you. The responsibilities it imposes are great, but I do not doubt that you will discharge them with courage and with fidelity. In my judgment, it is better—far better—to have accomplished something for the permanent and everlasting good of your people than to possess any honor which the State can confer.

About Ben Adhem awakened from a dream, found an angel writing in a book of gold the names of those whom love of God had blessed. "And is my name there?" he asked. But the angel answered, "Nay." "I pray thee, then," he said, "write me as one who loves his fellow man." The angel wrote and vanished. The next night it came again, with a great wakening light, and showed the names whom love of God had blessed. And, lo! Ben Adhem's name led all the rest.

Upon the conclusion of Mr. Knox's address, Mr. Brooks moved that the remarks of the President be spread upon the journal of the Convention. The motion was seconded, was put to the Convention by its mover, and was unanimously adopted.

Mr. Ashcraft offered the following resolution, which was unanimously adopted:

"Resolved, That the Convention proceed with the further organization by the election of the following officers, in the order named: Secretary, Assistant Secretary, Doorkeeper, Assistant Doorkeeper."

Mr. Carmichael, A. H., placed in nomination for Secretary Mr. Frank N. Julian of Colbert. There being no other nomination, the rules were suspended, and Mr. Julian was elected by acclamation.

Mr. Lomax placed in nomination for Assistant Secretary Mr. William T. Herbert of Montgomery, who was, under a suspension of the rules, also elected by acclamation.

Mr. Graham, J. B., nominated Mr. Robert Hasson of Calhoun for Doorkeeper; the rules were suspended and he was elected by acclamation.

Mr. Sollie nominated Mr. T. J. Fain of Dale for Assistant Doorkeeper, and he was likewise elected by acclamation, the rules having been suspended.

Mr. Smith of Mobile introduced the following resolution, which was unanimously adopted:

Resolution 2—

"Resolved, That the President appoint a Committee on Rules, of nine members, of which the President shall be the chairman, to report the number of subordinate officers, the manner of their selection, and their duties, the various standing committees, the order of business, and the rules for the government of this Convention."

The following resolution was introduced by Mr. Browne, and was unanimously adopted:

Resolution 3—

"Resolved, That until the report of the Committee on Rules, all resolutions shall be referred, without debate, to the appropriate committees when raised."

Mr. Heflin, of Chambers, moved that a committee of nine, one from each of the Congressional Districts, be appointed by the Chair to select seats for the several members.

Mr. Blackwell, of Morgan, offered as a substitute the following:

"Resolved, That in order to equitably assign the delegates seats in this Convention, that the names of all the delegates be placed in a hat and that one of the pages be blindfolded and draw one at a time the names from the hat, and that the Secretary immediately read the names so drawn, and that the party whose name is read at once select his seat. And after all the seats are so drawn, delegates shall have the right to exchange seats if they so desire."

The substitute was adopted.

Mr. Oates offered the following resolution:

"Resolved, That a special committee of nine members be appointed by the Chair, to take into consideration the advisability of contracting with an expert stenographer to report the proceedings of this Convention in full, and the necessary cost thereof, and report the same to the Convention at the beginning of to-morrow's session."

The rules were suspended and the resolution was adopted.

Mr. Sanford offered the following resolution, which was referred to the Committee on Rules:

"Resolved, That this Convention will entertain no motion, resolution or ordinance, having for its object the revision or amendment of the Constitution, until the committees are appointed by the President."

On motion of Mr. Eyster, the oath of office was administered by the President to Messrs. Frank N. Julian, William F. Herbert, Robert Hasson and T. J. Fain, the newly-elected officials of the Convention.

The Journal of yesterday was read and approved.

Indefinite leave of absence was accorded Hon. Jere N. Williams on account of illness in his family.

Mr. Howell offered the following resolution:

"Resolved, That a committee of three be appointed by the Chair to wait on the clergymen of this city and invite them to lead religious service at the opening of the morning session of this body."

The rules were suspended, and the resolution was unanimously adopted.

Mr. Long of Walker moved a reconsideration of the vote by which Mr. Blackwell's resolution relating to the assignment of seats had passed.

Mr. Fitts made the point of order that, as business had intervened since the adoption of the resolution, Mr. Long's motion was out of order.

The Chair declined to sustain the point of order. Mr. White spoke in opposition to the motion of Mr. Long, and concluded by moving to lay it on the table, the following being the vote on the motion :

## YEAS.

Messrs. President,	Eley,
Almon,	Evster,
Altman,	Espy,
Ashcraft,	Ferguson,
Banks,	Fitts,
Barefield,	Foshee,
Bartlett,	Foster,
Beavers,	Freeman,
Beddow,	Gilmore,
Blackwell,	Graham (Talladega),
Boone,	Grant,
Browne,	Greer (Calhoun),
Bulger,	Handley,
Burnett,	Harrison,
Burns,	Henderson,
Byars,	Hinson,
Carmichael (Colbert),	Hodges,
Carmichael (Coffee),	Howell,
Carnathon,	Jackson.
Case,	Jones (Hale),
Cunningham,	Jones (Wilcox),
Dent,	King,
deGraffenried,	Kirk,

Kirkland,  
Ledbetter,  
Leigh,  
Locklin,  
Lomax,  
Long (Butler),  
Lowe (Lawrence),  
Macdonald,  
McMillan (Baldwin),  
McMillan (Wilcox),  
Malone,  
Martin,  
Maxwell,  
Merrill,  
Miller (Marengo),  
Miller (Wilcox),  
Moody,  
Mulkey,  
Murphree,  
NeSmith,  
Norman,  
Norwood,  
Oates,  
O'Neal (Lauderdale),  
O'Neill (Jefferson),  
Opp,  
O'Rear,  
Palmer,  
Parker (Cullman),  
Parker (Elmore),  
Pearce,

Pettus,  
Phillips,  
Pillans,  
Pitts,  
Porter,  
Proctor,  
Reynolds (Chilton),  
Reynolds (Henry),  
Rogers (Sumter),  
Samford,  
Sanders,  
Sentell,  
Sloan,  
Smith (Mobile),  
Smith, Mac. A.,  
Smith, Morgan M.,  
Sollie,  
Sorrell,  
Spears,  
Studdard,  
Thompson,  
Vaughan,  
Waddell,  
Walker,  
Weakley,  
Weatherly,  
White,  
Whiteside,  
Wilson (Clarke),  
Wilson (Washington),  
Winn.

NOES.

Messrs. Bethune,  
Brooks,  
Cardon,  
Chapman,  
Cobb,  
Coleman (Greene),  
Coleman (Walker),  
Cornwell,

Craig,  
Davis (DeKalb),  
Davis (Etowah),  
Duke,  
Fletcher,  
Glover,  
Graham (Montgomery),  
Grayson,

Greer (Perry),	Reese,
Haley,	Robinson,
Heflin (Chambers),	Rogers (Lowndes),
Heflin (Randolph),	Sanford,
Hood,	Searcy,
Howze,	Selheimer,
Inge,	Spragins,
Jenkins,	Stewart,
Jones (Hale),	Tayloe,
Jones (Montgomery),	Watts,
Knight,	Willett,
Kyle,	Williams (Marengo).
Long (Walker),	

The President declared the motion adopted.

Mr. Cunningham moved that the assigning of seats be made the special order immediately after reading the Journal on to-morrow, the assignment to be in accordance with the resolution heretofore adopted. This motion prevailed.

On motion of Mr. Proctor, the Convention adjourned at 1:10 p. m. until 11 a. m. on to-morrow.

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### THIRD DAY.

#### CONVENTION HALL.

Montgomery, Ala., Thursday, May 23, 1901.

The Convention met pursuant to adjournment.

Prayer was offered by Rev. A. L. Andrews of the city.

#### ROLL CALL.

On a call of the roll of the Convention the following delegates answered to their names:

Messrs. President,	Fletcher,
Almon,	Foshee,
Altman,	Foster,
Ashcraft,	Freeman,
Banks,	Gilmore,
Barefield,	Glover,
Bartlett,	Graham (Montgomery),
Beavers,	Graham (Talladega),
Beddow,	Graut,
Bethune,	Grayson,
Blackwell,	Greer (Calhoun),
Boone,	Greer (Perry),
Brooks,	Haley,
Browne,	Handley,
Bulger,	Harrison,
Burnett,	Heflin (Chambers),
Burns,	Heflin (Randolph),
Byars,	Henderson,
Cardon,	Hinson,
Carmichael (Colbert),	Hodges,
Carmichael (Coffee),	Hood,
Carnathon,	Howell,
Case,	Howze,
Chapman,	Inge,
Cobb,	Jackson,
Cofer,	Jenkins,
Coleman (Greene),	Jones (Bibb),
Coleman (Walker),	Jones (Hale),
Cornwell,	Jones (Montgomery),
Craig,	Jones (Wilcox),
Cunningham,	King,
Davis (DeKalb),	Kirk,
Davis (Etowah),	Kirkland,
Dent,	Knight,
deGraffenried,	Kyle,
Duke,	Ledbetter,
Eley,	Leigh,
Eyster,	Locklin,
Espy,	Lomax,
Ferguson,	Long (Butler),
Fitts,	Long (Walker),



Lowe (Jefferson);  
Lowe (Lawrence),  
Macdonald,  
McMillan (Baldwin),  
McMillan (Wilcox),  
Martin,  
Maxwell,  
Merrill,  
Miller (Marengo),  
Miller (Wilcox),  
Moody,  
Morrisette,  
Mulkey,  
Murphree,  
NeSmith,  
Norwood,  
Oates,  
O'Neal (Lauderdale),  
O'Neill (Jefferson),  
Opp,  
O'Rear,  
Palmer,  
Parker (Cullman),  
Parker (Elmore),  
Pearce,  
Pettus,  
Phillips,  
Pillans,  
Pitts,  
Porter,  
Proctor,  
Reese,  
Reynolds (Chilton),  
Reynolds (Henry),

Robinson,  
Rogers (Sumter),  
Samford,  
Sanders,  
Sanford,  
Searcy,  
Selheimer,  
Sentell,  
Sloan,  
Smith (Mobile),  
Smith, Mac. A.,  
Smith, Morgan M.,  
Sollié,  
Sorrell,  
Spears,  
Spragins,  
Stewart,  
Studdard,  
Tayloe,  
Thompson,  
Vaughan,  
Waddell,  
Walker,  
Watts,  
Weakley,  
Weatherly,  
White,  
Whiteside,  
Willetts,  
Williams (Marengo),  
Wilson (Clarke),  
Wilson (Washington).  
Winn.

A quorum was present, one hundred and forty-nine delegates having answered to their names.

#### JOURNAL.

The Journal of yesterday was read and approved.

On motion of Mr. Harrison, the reading of the address of Hon. John B. Knox on accepting the Presidency of the Convention, was dispensed with.

## RESOLUTIONS.

Mr. Thompson offered the following resolution:

“Resolved, That in the drawing about to take place, if any delegate be absent, his colleague, if there be one present from such county, shall have the right to select a seat for such absent member. If there is no delegate present from such county, then the Secretary of this Convention shall select a seat for such absent delegate or delegates.”

The rules were suspended, and the resolution was adopted.

Mr. Weatherly offered the following resolution:

“Resolved, That Hon. W. C. Oates, Hon. Thos. G. Jones, Hon. T. W. Coleman, Hon. R. W. Walker, Hon. Dabney Palmer, Hon. John F. Burns, Hon. Joel D. Murphree, and Hon. George P. Harrison be allowed to select their seats before the commencement of drawing for seats.”

The rules were suspended, and the resolution was adopted.

## QUESTION OF PRIVILEGE.

Mr. Case arose to a question of personal privilege, and proceeded to state his question of privilege.

Mr. Lowe, of Jefferson, raised the point of order that Mr. Case was not speaking to a question of personal privilege, and that he (Mr. Case) was out of order.

The Chair sustained Mr. Lowe's point of order.

Mr. Case appealed from the decision of the Chair

The appeal was not sustained.

## REGULAR ORDER.

Mr. Reese demanded the regular order of business, which was the drawing of seats, under the resolution adopted on yesterday, as follows:

"That in order to equitably assign delegates seats in this Convention, the names of all the delegates be placed in a hat, that one of the pages be blindfolded, and draw one at a time the names from the hat, and that the Secretary immediately read the name so drawn, and that the party whose name is so read at once select his seat, and after all the seats are so drawn delegates shall have the right to exchange seats, if they desire."

#### ASSIGNMENT OF SEATS.

Under the above resolution, the President ordered the Secretary to proceed with the drawing of seats. Master Joe King was thereupon blindfolded and the names of all the delegates having been placed in the hat, he proceeded to draw therefrom, one at a time, the said names, and the delegates ordered seated.

#### APPOINTMENT OF COMMITTEES.

The President appointed the following committee, under resolution which was adopted on yesterday:

"Resolved, That a committee of three be appointed by the Chair to wait on the clergymen of this city and to invite them to lead religious services at the opening of the morning session of this body."

COMMITTEE—Messrs. Howell, Watts, Blackwell.

Also, under the resolution adopted yesterday:

"Resolved, That a special committee of nine members be appointed by the Chair to take into consideration the advisability of contracting with an expert stenographer to report the proceedings of this Convention in full, and the necessary cost thereof, and report the same to the Convention at the beginning of to-morrow's session."

COMMITTEE—Messrs. W. C. Oates, Henry Pillans, A. H. Merrill, Cecil Brown, J. Manley Foster, O. R. Hood, John T. Ashcraft, James Weatherly.

Also, under the resolution adopted yesterday:

"Resolved, That the President appoint a Committee on Rules of nine members, of which the President shall be chairman, to report the number of subordinate officers, the manner of their selection, and their duties, the

order of business, and the rules for the government of this Convention."

COMMITTEE—Messrs. Knox, Smith (of Mobile), Cunningham, Lomax, Harrison, O'Neal (of Lauderdale), deGraffenried, Browne, J. Thomas Heflin.

#### RESOLUTIONS.

Mr. O'Neal, of Lauderdale, offered the following resolution:

"Resolved, That the privileges of the Convention be extended to General Joseph Wheeler, and that he be invited to a seat on the floor."

Mr. Lowe, of Jefferson, moved to table the resolution offered by Mr. O'Neal.

The motion was lost.

Mr. Cunningham raised the point of order that under the rules the resolution should go to the Committee on Rules.

The point of order was sustained.

Mr. O'Neal, of Lauderdale, moved that the rules be suspended, and that the resolution be adopted.

Mr. Lowe, of Jefferson, offered the following amendment:

"And that all members and ex-members of Congress be admitted to the floor."

Mr. Bulger moved that the amendment offered by Mr. Lowe, of Jefferson, be tabled, and the motion to table prevailed.

The question recurred on the motion of Mr. O'Neal, of Lauderdale, to suspend the rules, and adopt the resolution, and the motion prevailed.

#### NOTICE OF RECONSIDERATION OF VOTE.

Mr. Lowe, of Jefferson, gave notice that at the proper time on to-morrow, he would move a reconsideration of the vote by which the resolution extending the privileges of the floor to General Joseph Wheeler was adopted.

Mr. Rogers, of Lowndes, offered the following resolution:

"Resolved, That this Convention adjourn every day at 1 o'clock p. m."

The resolution was referred to the Committee on Rules.

Mr. Bulger offered the following resolution:

"That, whereas, Hon. John B. Knox, the distinguished President of this Convention, at the beginning of the permanent organization, delivered a most able and patriotic address, outlining our plans, policies and duties, looking to the framing of a Constitution of our State;

"Therefore, it be resolved that the Secretary of the Convention be, and is hereby directed to have printed five thousand copies of the address for the use of the members of the Convention."

The resolution was referred to the Committee on Rules.

Mr. Oates offered the following resolution:

That in order to expedite the business of this Convention, the President be authorized to appoint fifteen standing committees as follows, to-wit:

First, a Committee on Bill of Right, of eleven members.

Second, a Committee on State and County Boundaries of eleven members.

Third, a Committee on Legislative Department, of fifteen members.

Fourth, a Committee on Judicial Department, fifteen members.

Fifth, a Committee on Executive Department, fifteen members.

Sixth, a Committee on Suffrage and Elections of twenty-five members.

Seventh, a Committee on Representation of fifteen members.

Eighth, a Committee on Taxation, fifteen members.

Ninth, a Committee on Education, fifteen members.

Tenth, a Committee on Railroads and Canals, and Private Corporations, fifteen members.

Eleventh, a Committee on Militia, Banks and Banking and Exempted Property, of thirteen members.

Twelfth, a Committee on Oath of Office, Miscellaneous Provisions, and Mode of Amending the Constitution, of thirteen members.

Thirteenth, a Committee on the Schedule to the Constitution, and upon the Mileage and Pay of Delegates, and Incidental Expenditures, of nine members.

Fourteenth, a Committee on Rules, and Order of Business, of nine members, of which the President of the Convention shall be Chairman.

Fifteenth, a Committee on the Order, Consistency and Harmony of the Whole Constitution, to consist of the chairman of the first thirteen committees above mentioned.

The resolution was referred to the Committee on Rules.

#### RECESS.

Mr. Smith, of Mobile, moved that the Convention take a recess of twenty minutes for the purpose of allowing the Committee on Rules to meet, and the motion prevailed.

#### REPORT OF THE COMMITTEE ON RULES.

Mr. Knox, Chairman of the Committee on Rules, submitted the following partial report:

We, the Committee on Rules, beg leave to submit the following partial report:

We recommend—

First—That the sub-ordinance officers shall be as follows: Ten pages, two messengers, one gallery doorkeeper, one enrolling and engrossing clerk, to be appointed by the President of the Convention.

Second—The Secretary may, from time to time, with the approval of the President, appoint such additional clerical assistance as may be necessary.

Third—The following shall constitute the standing committees of the Convention:

(1) RULES, of which the President shall be Chairman to be composed of nine members, and which shall have the right to report at any time.

(2) JUDICIARY, to be composed of twenty-five members.

(3) A Committee on the Order, Consistency and Harmony of the Whole Convention, to be composed of twenty-five members.

(4) A Committee on Suffrage and Election, to be composed of twenty-five members.

(5) A Committee on Legislative Departments, to be composed of nineteen members.

(6) A Committee on Local Legislation, to be composed of nineteen members.

(7) A Committee on Education, to be composed of nineteen members.

(8) A Committee on Taxation, to be composed of nineteen members.

(9) A Committee on Executive Departments, to be composed of fifteen members.

(10) A Committee on Preamble and Declaration of Rights, to be composed of fifteen members.

(11) A Committee on Corporations, composed of fifteen members.

(12) A Committee on Representation, composed of fifteen members.

(13) A Committee on Exemptions, to be composed of fifteen members.

(14) A Committee on Militia, to be composed of fifteen members.

(15) A Committee on Banks and Banking, to be composed of fifteen members.

(16) A Committee on Municipal Corporations, to be composed of fifteen members.

(17) A Committee on State and County Boundaries, to be composed of fifteen members.

(18) A Committee on Impeachments, to be composed of fifteen members.

(19) A Committee on Amending the Constitution, and Miscellaneous Provisions, composed of fifteen members.

(20) A Committee on the Journal, composed of five members.

(21) A Committee on Schedules, Printing and Miscellaneous Expenses, to be composed of nine members.

Fourth—A majority of each committee shall constitute a quorum.

Fifth—All committees shall be appointed by the President.

Sixth—The following committees shall be entitled to a clerk each, to be appointed by the chairman thereof respectively, whenever, in the opinion of the chairman of either of the said committees, it may be necessary: Rules, Judiciary, Order, Consistency and Harmony of the Constitution, Suffrage and Elections, Education, and Corporations.

Seventh—It shall be the duty of the pages when the Convention is not in session and when directed by the President, to serve the committees.

The report of the committee was adopted.

#### RESOLUTION.

Mr. Rogers, of Sumter, offered the following resolution:

Resolved, That the Secretary of this Convention procure and have printed, in consolidated form, for the use of its members, five hundred copies of these sections, relating to suffrage in the Constitutions of the following States:

Connecticut, Massachusetts, Maryland, Pennsylvania, North and South Carolina, Mississippi, Louisiana, California and Utah.

The resolution was referred to the Committee on Rules.

#### APPOINTMENT OF PAGES AND MESSENGERS.

The President announced the appointment of the following pages and messengers:

PAGES—Master Henry Long, Master Eyser, Master Reese, Master Prowell, Master Gaston, Master Tutwiler, Master Wilson, Master Driver, Master West, Master Alley.



**MESSENGERS**—Master Joseph King, Master M. J. Bulger.

**APPOINTMENT OF ENGROSSING AND ENROLLING CLERK.**

The President announced the appointment of Mrs. L. W. Francis, of Jefferson, as engrossing and enrolling clerk.

**APPOINTMENT OF DOORKEEPER OF THE GALLERY.**

The President announced the appointment of W. H. Manghan, of Calhoun, as doorkeeper of the gallery.

**SEATS AND DESKS.**

On motion of Mr. deGraffenreid, the doorkeeper of the Convention was instructed to procure seats and desks for such delegates as had failed to secure them by the drawing.

**ADJOURNMENT.**

On motion of Mr. deGraffenreid, the Convention adjourned until 11 o'clock to-morrow morning.

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**FOURTH DAY.**

**CONVENTION HALL.**

Montgomery, Ala., Friday, May 24, 1901.

The Convention met pursuant to adjournment.  
Prayer was offered by Rev. A. L. Andrews of the city.

**ROLL CALL.**

On a call of the roll of the Convention the following delegates answered to their names:

Messrs. President,  
 Altman,  
 Ashcraft,  
 Banks,  
 Barefield,  
 Bartlett,  
 Beavers,  
 Beddow,  
 Bethune,  
 Blackwell,  
 Boone,  
 Brooks,  
 Browne,  
 Bulger,  
 Burnett,  
 Byars,  
 Carmichael (Colbert),  
 Carmichael (Coffee),  
 Carnathon,  
 Case,  
 Chapman,  
 Cobb,  
 Coleman (Greene),  
 Coleman (Walker),  
 Cornwell,  
 Craig,  
 Canningham,  
 Cofer,  
 Davis (DeKalb),  
 Davis (Etowah),  
 Dent,  
 Duke,  
 Eyster,  
 Espy,  
 Ferguson,  
 Fitts,  
 Fletcher,  
 Foshee,  
 Foster,  
 Freeman,  
 Gilmore,

Glover,  
 Graham (Montgomery),  
 Graham (Talladega),  
 Grant,  
 Grayson,  
 Greer (Calhoun),  
 Greer (Perry),  
 Haley,  
 Handley,  
 Harrison,  
 Heflin (Chambers),  
 Heflin (Randolph),  
 Henderson,  
 Hinson,  
 Hodges,  
 Hood,  
 Howze,  
 Inge,  
 Jackson,  
 Jenkins,  
 Jones (Bibb),  
 Jones (Hale),  
 Jones (Montgomery),  
 Jones (Wilcox),  
 Kirk,  
 Kirkland,  
 Knight,  
 Ledbetter,  
 Leigh,  
 Lomax,  
 Long (Butler),  
 Long (Walker),  
 Lowe (Jefferson),  
 McMillan (Baldwin),  
 McMillan (Wilcox),  
 Malone,  
 Martin,  
 Maxwell,  
 Merrill,  
 Miller (Marengo),  
 Miller (Wilcox),

Moody,	Sanders,
Morrisette,	Sanford,
Mulkey,	Searcy,
Murphree,	Selheimer,
NeSmith,	Sentell,
Norman,	Sloan,
Norwood,	Smith, Mac. A ,
Oates,	Smith, Morgan M.,
O'Neal (Lauderdale),	Sollie,
O'Neill (Jefferson),	Sorrell,
Opp,	Spears,
O'Rear,	Spragins,
Palmer,	Stewart,
Parker (Cullman),	Studdard,
Parker (Elmore),	Tayloe,
Pettus,	Thompson,
Phillips,	Vaughan,
Pillans,	Waddell,
Pitts,	Walker,
Porter,	Watts,
Proctor,	Weakley,
Reese,	Weatherly,
Renfro,	White,
Reynolds (Chilton),	Whiteside,
Reynolds (Henry),	Williams (Marengo),
Robinson,	Williams (Elmore),
Rogers (Lowndes),	Wilson (Clarke),
Rogers (Sumter),	Wilson (Washington).
Samford,	Winn.

A quorum was present, one hundred and forty delegates having answered to their names.

#### JOURNAL.

The Journal of yesterday was read and approved.

#### LEAVE OF ABSENCE.

Leave of absence was granted as follows:

To Messrs. Almon and Lowe, for to-day and to-morrow; to Mr. Macdonald for to-day; to Mr. Merrill, for to-day.

## RESOLUTIONS.

Mr. Watts offered the following resolution :

Be it resolved, That with the exception of delegates, officers and employees of this Convention, newspaper reporters, and those especially invited, no one shall be permitted on the floor of the Convention, and the door-keeper is hereby instructed to enforce this resolution.

The resolution was referred to the Committee on Rules.

Mr. Jackson offered the following resolution :

Resolved, That 500 copies of the platform adopted by the State Democratic Convention of Alabama, on April 19, 1901, be printed and be placed on the desks of the members of this Convention.

The resolution was referred to the Committee on Rules.

Mr. Long, of Walker, offered the following resolution :

Resolved, That 500 copies of the present Constitution of the State of Alabama, as annotated in the Code of Laws of Alabama, be printed in pamphlet form, for the use of the members of this Convention.

The resolution was referred to the Committee on Rules.

Mr. Reese offered the following resolution :

Whereas, more than nine-tenths of the members of this Convention have, prior to their election, pledged the people of Alabama, that no new Constitution would be adopted without first submitting the same to the people for ratification; now, therefore, be it

Resolved, That it is the sense of this Convention that such Constitution as may be adopted by this Convention, shall be submitted to the qualified voters of Alabama for ratification.

Mr. Reese moved that the rules be suspended and that the resolution be put upon its passage.

Mr. Watts moved to strike out the preamble of the resolution.

Mr. Reese, by unanimous consent, agreed to the motion of Mr. Watts, and the resolution, as amended, read as follows:

Be it resolved, that it is the sense of this Convention that such Constitution as may be adopted by this Convention, shall be submitted to the qualified voters of Alabama for ratification.

Mr. Lomax offered the following substitute for the resolution offered by Mr. Reese:

Resolved, That it is the sense of this Convention that all the pledges of the Democratic party made in the platform adopted in April, 1901, *that* "that the Constitution adopted by this Convention shall be submitted to the people," shall be carried out and fulfilled.

Mr. Brooks demanded the previous question, and resolution, which was ordered.

Mr. Walker moved to table the substitute offered by Mr. Lomax, and the motion prevailed.

The question recurred on the motion of Mr. Reese on a suspension of the rules and passage of the resolution.

Mr. Cunningham demanded a yea and nay vote.

The rules were suspended, and the resolution was adopted, yeas, 145; nays, 0.

#### YEAS.

Messrs. President,	Carmichael (Colbert),
Altman,	Carmichael (Coffee),
Ashcraft,	Carnathon,
Banks,	Case,
Barefield,	Chapman,
Bartlett,	Cobb,
Beavers,	Cofer,
Beddow,	Coleman (Greene),
Bethune,	Coleman (Walker),
Blackwell,	Cornwell,
Boone,	Craig,
Brooks,	Cunningham,
Browne,	Davis (DeKalb),
Bulger,	Davis (Etowah),
Burnett,	Dent,
Burns,	Duke,
Byars,	Espy,
Cardon,	Eyster,

Ferguson,  
 Fitts,  
 Fletcher,  
 Foshee,  
 Foster,  
 Freeman,  
 Gilmore,  
 Glover,  
 Graham (Montgomery),  
 Graham (Talladega),  
 Grant,  
 Grayson,  
 Greer (Calhoun),  
 Greer (Perry),  
 Haley,  
 Handley,  
 Harrison,  
 Heflin (Chambers),  
 Heflin (Randolph),  
 Henderson,  
 Hinson,  
 Hodges,  
 Hood,  
 Howell,  
 Howze,  
 Inge,  
 Jackson,  
 Jenkins,  
 Jones (Bibb),  
 Jones (Hale),  
 Jones (Montgomery),  
 Jones (Wilcox),  
 Kirk,  
 Kirkland,  
 Knight,  
 Ledbetter,  
 Leigh,  
 Locklin,  
 Lomax,  
 Long (Butler),  
 Long (Walker),

McMillan (Baldwin),  
 McMillan (Wilcox),  
 Malone,  
 Martin,  
 Maxwell,  
 Merrill,  
 Miller (Marengo),  
 Miller (Wilcox),  
 Moody,  
 Morrisette,  
 Mulkey,  
 Murphree,  
 NeSmith,  
 Norman,  
 Norwood,  
 Oates,  
 O'Neal (Lauderdale),  
 O'Neill (Jefferson),  
 Opp,  
 O'Rear,  
 Palmer,  
 Parker (Cullman),  
 Parker (Elmore),  
 Pearce,  
 Pettus,  
 Phillips,  
 Pillans,  
 Pitts,  
 Porter,  
 Proctor,  
 Reese,  
 Renfro,  
 Reynolds (Chilton),  
 Reynolds (Henry),  
 Robinson,  
 Rogers (Lowndes),  
 Rogers (Sumter),  
 Samford,  
 Sanders,  
 Sanford,  
 Searcy,

Selheimer,	Vaughan,
Sentell,	Waddell,
Sloan,	Walker,
Smith (Mobile),	Watts,
Smith, Mac. A.,	Weakley,
Smith, Morgan M.,	Weatherly,
Sollie,	White,
Sorrell,	Whiteside,
Spears,	Williams (Marengo),
Spragins,	Williams (Elmore),
Stewart,	Wilson (Clarke),
Studdard,	Wilson (Washington).
Tayloe,	Winn.
Thompson,	

Mr. Harrison offered the following resolution:

Resolved, That when this Convention adjourn to-day it adjourn to meet at 12 o'clock on Monday next.

Mr. Harrison moved that the rules be suspended and that the resolution be put on its immediate passage.

Mr. Cunningham raised the point of order that the resolution was a privileged resolution, and did not require a suspension of the rules.

The Chair sustained the point of order, and the resolution was adopted.

#### PRIVILEGES OF THE FLOOR.

Mr. Oates moved that the privileges of the floor be extended to the Hon. E. W. Pettus.

Mr. O'Neil, of Jefferson, moved to amend the motion of Mr. Oates by including the Hon. John T. Morgan.

The amendment was accepted, and the motion was unanimously adopted.

#### RESOLUTIONS.

Mr. Pettus offered the following resolution:

Be it resolved, That in its action this Convention shall adhere and be governed by the act of the General Assembly, approved December 11, 1900, providing for

the holding of this Convention.

The resolution was referred to the Committee on Rules.

#### REPORT OF SPECIAL COMMITTEE.

Your committee to inquire into the desirability, practicability and probable cost of obtaining a full and accurate stenographic report of the proceedings of this Convention, make the following report:

We called before us the stenographers applying for the contract, and received from them such information touching said work as was obtainable.

Mr. McGauly submitted the following proposition, to-wit:

Montgomery, Ala., May 21, 1901.

*Alabama Constitutional Convention, Montgomery, Ala.*

Gentlemen—I would respectfully submit the following proposition:

I will undertake to furnish an accurate verbatim stenographic report of each day's proceedings of the Constitutional Convention, and deliver one thousand (1,000) printed copies thereof, to the Secretary of the Convention by 9 o'clock on the morning of each days succeeding that on which such proceedings were had, for the sum of seventy dollars (\$70.00) per diem, for whatever number of days the Convention may remain in session. Should the Convention not convene on any day, *i. e.*, Sundays and recess days, no per diem charge to be made.

In consideration of the per diem compensation quoted above, I will undertake to associate with me a sufficient number of skilled and experienced stenographers, men in every way competent to perform this class of work, who will act in relays—succeeding each other at short intervals throughout the session; (2) a staff of typewriters to whom the stenographers will dictate their notes; (3) reliable and responsible printers with ample



facilities to print and furnish 1,000 copies of the proceedings each morning by 9 o'clock.

Very respectfully,

PAT MCGAULY.

Messrs. Hoffman & May submitted the following proposition, to-wit:

Montgomery, Ala., May 23, 1901.

To the Committee having in charge the question of stenographically reporting the proceedings of the Convention, etc.

Gentlemen of the Committee—We beg to submit for your consideration two plans upon which we propose to report the proceedings.

We are informed by The Advertiser that he will print daily, in a separate supplement to his newspaper, the full proceedings of the day before for the sum of \$25 per day, and we are authorized to make the proposition to this committee as coming from him. He will furnish to the Convention for this sum 200 copies of the supplement free of charge.

If it is desired to have this done, we will begin delivering copy to him at 1 o'clock each day, and thereafter, with sufficient rapidity, copy will be delivered to him to keep the printers busy and enable them to have the same printed in the morning paper. We will do this for \$2,500 for the first thirty working days of the Convention. Should the session of the Convention extend beyond that time, we will perform the same work during the additional time over thirty days for the sum of \$425 per week or fraction thereof.

Should it not be desired to print these proceedings daily as above outlined, we will report the proceedings and lay on the table of the Secretary each morning a complete and accurate report of the previous day's session for \$2,250.00 for the first thirty working days of the session, and \$350 per week or fraction thereof in excess of that time.

As there are others seeking this contract, and as the work will not be of any service to the Convention or

State unless absolutely accurate, we are willing to submit to the following test: Let our corps of reporters and the corps of any other applicant or applicants take the proceedings on any day named by the committee, and then let the committee order both corps to transcribe the proceedings, or to come before the committee and read from shorthand whatever may be desired and let the contract be awarded the corps showing the greatest facility in reading or making the best transcript, as the case may be.

We wish to assure the committee that we have a corps of reporters whose ability to do this work cannot be questioned, and we are so well satisfied ourselves on this point that we will gladly submit to the severe test of ability above proposed, if it is required.

We are ready to name our corps of reporters to the committee, and would suggest the advisability of having other applicants do the same, that the committee may judge as to whether any particular corps can or cannot do the work in a satisfactory manner.

If either of these propositions is accepted, we request the committee to recommend the appointment of F. O. Hoffman of Mobile and E. L. May of Montgomery, jointly, as the official stenographers of this Convention.

Respectfully submitted,

FRANCIS O. HOFFMAN,

E. L. MAY.

The last proposition, including the printing, would amount in the aggregate to \$3,100.00 per month of twenty-six working days, or for thirty days as set forth therein.

The proposition of Mr. McGauly for the same length of time, or twenty-six days, would cost \$1,820.00.

No test was made by the committee as to the capacity and efficiency of the bidders, as we had no opportunity in our limited time, but presuming that each of them were capable, and to fix their responsibility for doing the work accurately, we recommend that the successful bidder be required to give a bond, payable to the State of Alabama, to be approved by the President of this

Convention, in the sum of \$1,500.00, and conditioned that he perform his duties as such reporter, according to the terms of his contract.

Your committee recommend a full and complete report of the proceedings of this Convention, and as Mr. McGauly's proposition incurs much less expense to the State than that of Messrs. Hoffman & May, the committee recommend that it be accepted by the Convention.

Should the aforesaid report be adopted by the Convention, your committee recommend the adoption of the following resolution:

Resolved, That the President of this Convention be, and he is hereby authorized to enter into a contract with Mr. Pat McGauly to furnish daily a correct and full stenographic report of the proceedings of this Convention, and to require him to enter into bond with good surety in the penal sum of \$1,500.00, payable to the State of Alabama, for the faithful performance of this contract. And any substantial failure on the part of said McGauly to comply with his said contract shall be deemed a breach of said bond.

Your committee ask the adoption of this report, and that they be discharged.

WM. C. OATES.

#### MINORITY REPORT.

Mr. Ashcraft, of the special committee, offered the following minority report:

*Mr. President, and Gentlemen of the Convention:*

The undersigned, member of the special committee appointed to consider the propriety and expense of a stenographic report of all the proceedings of this Convention, feels constrained to dissent from the opinion of the majority, and begs leave to submit the following minority report:

The Journals of this Convention will contain a full record of all its official proceedings. The stenographic report will contain, in addition to these proceedings, a full report of all speeches and debates. The majority

claimed three advantages for a report of these speeches and debates:

First—It is claimed that they will throw great light in the future, upon the true interpretation of the Constitution. I can not concur in this view. We and those who are to come after us, will yet be wiser than we are now. We will write a new Constitution with patriotic purposes, based upon the highest reasons within our grasp, and make the noblest uses of it we can. Hereafter the same patriotism, in the light of new and happier experiences, will find higher reasons for our action, and nobler uses for our work. When this work is tested before the Supreme Court of the United States, we do not want that body to search for light amid the impassioned darkness of the debates on the Fourteenth and Fifteenth Amendments. Nor will we want it judged by the bitterness which the sense of our ever pressing injury will be sure to infect our debates. We are going to approach right conclusions, but we will sometimes be driven from the straight course by the irresistible storm.

Second—It is claimed by the majority that the publication of the speeches and debates will be of great value in educating our people to the needs of a new Constitution and the reasons for the particular form it shall take. I do not believe it will possess this value. The press of this State is in favor of this movement, and, if we give good reasons for our course, those reasons will be promulgated and given the widest circulation by our patriotic editors. If we give bad reasons, they will be charitably censored, and the evil influence restrained. Again, the great questions before the Convention will be chiefly determined before the committees, and it is urged by some that the main question we are here to determine should be considered in executive session. While I do not commit myself to this proposition, I mention it to show the anxiety felt as to the nature of the arguments which may be advanced.

Third—The majority claim that a knowledge of the fact that every word is to be recorded will lend dignity and solemnity to the discussions. This does not com-

port with my limited observations of men. If there are any who are rash or lightminded, they are, of all persons, least conscious of that fact, and lightly rush in, while those who are conservative and conscious of the weight of responsibility, hesitate. I believe this full report will repress discussion by this latter class, and will increase it by the former class; if any such are members of this Convention.

While I am satisfied that the arrangement planned by the committee is the most advantageous which can be had, I do not believe the proposed investment is the best use that can be made of the money for the good of the people.

With the profoundest regret, I am, for the reasons briefly stated above, compelled to differ from the able and patriotic gentlemen who compose the majority, and to report that I do not believe it is expedient for this Convention to cause a stenographic report of its proceedings to be made, and to incur the expense thereof.

JOHN T. ASHCRAFT,

Member of the Committee.

Mr. Ashcraft moved to substitute the minority report for the majority report.

Mr. Cobb moved that the further consideration of the report of the committee go over until Monday, and that it be made a special order, on that day immediately after the reading of the Journal.

The motion was lost.

Mr. Oates demanded the previous question on the motion of Mr. Ashcraft to substitute the minority report for the majority report.

The ayes and nays were demanded.

The motion was lost, yeas, 60; nays, 80.

YEAS.

Messrs. Ashcraft,  
Barefield,  
Beavers,  
Beddow,  
Boone,

Bulger,  
Burns,  
Byars,  
Carmichael (Colbert),  
Carnathon,

Case,  
Chapman,  
Cobb,  
Cofer,  
Coleman (Greene),  
Coleman (Walker),  
Davis (DeKalb),  
Duke,  
Fitts,  
Fletcher,  
Glover,  
Grayson,  
Haley,  
Heflin (Chambers),  
Heflin (Randolph),  
Hodges,  
Howze,  
Inge,  
Jackson,  
Kirk,  
Kirkland,  
Ledbetter,  
Locklin,  
Long (Butler),  
Long (Walker),

McMillan (Wilcox),  
Malone,  
Maxwell,  
Miller (Marengo),  
Moody,  
Mulkey,  
Norwood,  
Opp,  
Parker (Elmore),  
Pearce,  
Pettus,  
Phillips,  
Proctor,  
Reynolds (Henry),  
Robinson,  
Rogers (Lowndes),  
Samford,  
Smith, Mac. A.,  
Smith, Morgan M.,  
Sorrell,  
Spragins,  
Walker,  
Weakley,  
Williams (Marengo),  
Wilson (Clarke).

NAYS.

Messrs. President,  
Altman,  
Banks,  
Bethune,  
Blackwell,  
Brooks,  
Browne,  
Burnett,  
Cardon,  
Carmichael (Coffee),  
Cornwell,  
Cunningham,  
Davis (Etowah),

Dent,  
Espy,  
Ferguson,  
Foshee,  
Foster,  
Freeman,  
Gilmore,  
Graham (Montgomery),  
Graham (Talladega),  
Grant,  
Greer (Calhoun),  
Greer (Perry),  
Handley,

Harrison,	Parker (Cullman),
Henderson,	Pillans,
Hinson,	Pitts,
Hood,	Porter,
Howell,	Renfro,
Jenkins,	Reynolds (Chilton),
Jones (Bibb),	Rogers (Sumter),
Jones (Hale),	Sanders,
Jones (Montgomery),	Sanford,
Jones (Wilcox),	Searcy,
Knight,	Selheimer,
Leigh,	Sentell,
Lomax,	Sloan,
Lowe (Jefferson),	Smith (Mobile),
McMillan (Baldwin),	Sollie,
Martin,	Spears,
Merrill,	Stewart,
Miller (Wilcox),	Studdard,
Morrisette,	Thompson,
Murphree,	Vaughan,
NeSmith,	Waddell,
Norman,	Watts,
Oates,	Weatherly,
O'Neal (Lauderdale),	White,
O'Neill (Jefferson),	Whiteside,
O'Rear,	Wilson (Washington),
Palmer,	Winn.

## CHANGE OF VOTE.

Mr. Greer, of Calhoun, changed his vote from aye to no for the purpose of moving a reconsideration of the vote.

## PAIRS ANNOUNCED.

Mr. Eyster announced that he was paired with the delegate from Perry, Mr. Tayloe, if Mr. Tayloe was present he would vote aye, and Mr. Eyster would vote no.

## RECONSIDERATION OF VOTE.

Mr. Browne moved to reconsider the vote by which the minority report was lost, and to lay that motion on the table.

The motion prevailed.

## ADOPTION OF MAJORITY REPORT.

Mr. Oates moved that the majority report of the special committee be adopted, and the motion prevailed.

Mr. Long, of Walker, offered a substitute for the majority report. The substitute was ruled out of order.

## RESOLUTIONS.

Mr. Eyster offered the following resolution, by request:

Resolved, That in order to test the accuracy of any report that may be made of the proceedings of this Convention, the following tests shall be had:

1. That said reporter or reporters who may be employed to do this work, shall be required on to-morrow morning to furnish a transcript of the proceedings this day had, or such other day as the Convention shall require, and the reporter or reporters furnishing the best transcript shall be awarded the work.

2. That said reporter or reporters shall be called upon to read their notes on the floor of the Convention when occasion requires, and the reporter or reporters reading their notes most fluently and satisfactorily shall be awarded the work.

3. That the Rules Committee, when said Convention is not in session, shall call said reporters before them and request a reading of any part of their notes, and those reporters reading them most satisfactory shall be awarded the work.

Resolved further, that the Rules Committee may adopt any other mode of testing this question that they may see fit.

Resolved further, that no steps shall be taken to make permanent arrangements with regard to this work until some one of the above tests have been made.



Resolved further, that the price shall meet with the approval of the Convention before any work of this character shall be authorized.

Mr. Sanford raised the point of order that the resolution was out of order, in that the majority report of the committee, which had been adopted, authorized a contract with a competent stenographer therein carried, thereby rendering a test unnecessary.

The point of order was sustained, and the resolution was ruled out of order.

#### ADJOURNMENT.

On motion of Mr. Long, of Butler, the Convention adjourned until 12 o'clock m. Monday.

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#### FIFTH DAY.

#### CONVENTION HALL.

Montgomery, Ala., Monday, May 27, 1901.

The Convention met pursuant to adjournment.

Prayer was offered by Rev. Neal Anderson of the city.

#### ROLL CALL.

On a call of the roll of the Convention the following delegates answered to their names:

Messrs. President,	Blackwell,
Almon,	Boone,
Altman,	Brooks,
Banks,	Browne,
Barefield,	Bulger,
Bartlett,	Burnett,
Reddow,	Burns,
Bethune,	Byars,

Cardon,  
Carmichael (Colbert),  
Carmichael (Coffee),  
Carnathon,  
Case,  
Chapman,  
Coleman (Greene),  
Coleman (Walker),  
Cornwell,  
Cunningham,  
Davis (DeKalb),  
Davis (Etowah),  
Dent,  
deGraffenried,  
Eley,  
Eyster,  
Espy,  
Ferguson,  
Fitts,  
Fletcher,  
Foshee,  
Foster,  
Freeman,  
Gilmore,  
Glover,  
Graham (Montgomery),  
Graham (Talladega),  
Grant,  
Grayson,  
Greer (Calhoun),  
Handley,  
Harrison,  
Henderson,  
Hinson,  
Hodges,  
Hood,  
Howell,  
Howze,  
Inge,  
Jackson,  
Jenkins,

Jones (Bibb),  
Jones (Hale),  
Jones (Montgomery),  
Jones (Wilcox),  
Kirk,  
Kirkland,  
Knight,  
Kyle,  
Leigh,  
Lomax,  
Long (Butler),  
Lowe (Lawrence),  
Macdonald,  
McMillan (Wilcox),  
Malone,  
Martin,  
Miller (Marengo),  
Miller (Wilcox),  
Moody,  
Morrisette,  
Mulkey,  
NeSmith,  
Norman,  
Norwood,  
Oates,  
O'Neal (Lauderdale),  
O'Neill (Jefferson),  
Opp,  
O'Rear,  
Palmer,  
Parker (Elmore),  
Pettus,  
Phillips,  
Pillans,  
Pitts,  
Porter,  
Proctor,  
Reese,  
Renfro,  
Reynolds (Chilton),  
Reynolds (Henry),

Rogers (Lowndes),	Studdard,
Rogers (Sumter),	Tayloe,
Samford,	Thompson,
Sanford,	Vaughan,
Searcy,	Walker,
Selheimer,	Watts,
Sentell,	Weakley,
Sloan,	Weatherly,
Smith (Mobile),	White,
Smith, Mac. A.,	Whiteside,
Smith, Morgan M.,	Williams (Barbour),
Sollie,	Williams (Marengo),
Spears,	Williams (Elmore),
Spragins,	Wilson (Clarke),
Stewart,	Winn.

A quorum was present, one hundred and twenty-eight delegates having answered to their names.

#### LEAVES OF ABSENCE.

Was granted to Messrs. Ledbetter, Sanders, Craig, Ashcraft, Parker of Cullman, Greer of Perry, and Waddell for to-day; to Messrs. Long of Walker, Locklin, Cofer, Haley and Pearce for to-day and to-morrow; to Messrs. Harrison and Renfroe for three days.

#### JOURNAL.

On motion of Mr. Pettus the reading of the Journal was dispensed with, and the same was referred to the Committee on the Journal.

#### REPORT OF THE COMMITTEE ON RULES.

Mr. Knox, chairman of the Committee on Rules, submitted the following report:

## RULES OF THE CONSTITUTIONAL CONVENTION 1901.

### DUTIES AND RIGHTS OF THE PRESIDENT.

#### *Opening of Daily Sessions.*

Rule 1.—The President shall take the chair every day at the hour fixed on the preceding adjournment; shall immediately call the delegates to order, and proceed with the regular order of business.

*Order; Discussion of Points of; Appeals Therefrom.*

Rule 2.—He shall preserve order and decorum; may speak to points of order in preference to other delegates, rising from his chair for that purpose. He shall decide questions of order, subject to an appeal to the Convention, at the request of any delegate; which appeal shall be decided without debate, except that the delegate taking the appeal, or any other delegate to whom he may yield, may speak to the appeal not exceeding five minutes. An appeal shall not be put to the Convention unless it is seconded.

#### *Questions, How Put and Decided.*

Rule 3.—He shall rise to put a question, but may state it sitting. All questions shall be distinctly put in this form, viz.: “Those in favor of (as the question may be) say aye,” and after the affirmative vote is expressed “those opposed to the motion say no.” If the President doubts, or a division is called for before a decision is announced, they shall divide. Those in the affirmative of the question shall rise from their seats; and afterwards those in the negative. The President shall then state the decision of the Convention.

#### *May substitute temporary President.*

Rule 4.—He shall have a right to name any delegate to perform the duties of the Chair, but such substitution shall not extend beyond an adjournment.

*Calendar.*

RULE 5.—The President shall, whenever he deems it necessary for the speedy dispatch of business, order the calendar printed for the use of delegates.

*Signature of President, Etc.; to What Required.*

RULE 6.—All ordinances which have been finally acted upon by the Convention, shall be signed by the President, and all other acts of the Convention, except resolutions, which it may become necessary to reduce to writing, shall be evidenced by the signature of the President, attested by the Secretary.

**OFFICERS OTHER THAN PRESIDENT.***Officers and Employes; Terms of.*

RULE 7.—All officers and employes appointed or elected by the Convention, shall hold their offices at the pleasure of the Convention only, and the clerks of committees at the pleasure of the committee for which they were appointed.

*Journal; Endorsement of Resolutions, Etc.; Documents.*

RULE 8.—The Secretary shall keep a correct journal of the proceedings of the Convention in a well-bound book, to be provided for that purpose, and shall read the same daily to the Convention, if required. He shall be responsible to the Convention for the accuracy of the journal, and for the faithful and prompt execution of the work ordered by the Convention. He shall endorse all resolutions and orders proper to be endorsed; he shall keep in his charge all documents in the custody of the Convention, and keep them in order, and shall perform such other duties as may be required by the Convention.

*Register of Ordinances.*

RULE 9.—The Secretary shall keep a register of ordinances, which shall show the title of each ordinance in the order in which it was introduced, and the several

actions of the Convention shall be noted, with the date of the action, immediately below the title. He shall keep an index to the register, arranged according to the names of the delegates, and also the subject matter of the ordinances.

*Sergeant-at-Arms; Door-Keeper.*

RULE 10.—The door-keeper shall perform the duties of Sergeant-at-Arms. He shall execute the orders of the President and of the Convention. He shall keep in order the hall. He shall keep the door of the hall, and perform such other duties as may be required of him.

RULES OF DECORUM AND DEBATE.

*Delegates Shall Address Chair.*

RULE 11.—When any delegate is about to speak or deliver any matter to the Convention, he shall rise from his seat and respectfully address himself to the President.

*Calling Delegate to Order.*

RULE 12.—If any delegate transgress the rules of this Convention, the President shall, or any delegate may, call him to order; in which case the delegate so called to order, if speaking, shall immediately sit down, unless permitted to explain. The point of order raised shall be stated when the delegate is called to order, and decided by the President, and the Convention shall, if appealed to, decide on the case, but without debate. If the decision be in favor of the delegate called to order he shall be at liberty to proceed; if the decision be against him, and he refuses to obey, the President may direct the Sergeant-at-Arms to seat him or remove him from the floor of the Convention, and he may be liable to the censure of the Convention.

*Recognition by the Chair.*

RULE 13.—When two or more delegates happen to rise at the same time, the President shall name the person who is first to speak.

*Speeches; Number and Length of; Exceptions.*

RULE 14.—No delegate shall speak more than once to the same question, nor more than half an hour at any time, without leave of the Convention, unless he be the mover or chairman of the committee proposing the matter pending, in which case he shall be permitted to speak in reply, but not until every delegate choosing to speak shall have spoken.

*Respect to Chair and Delegates; Visiting Secretary's Desk.*

RULE 15.—While the President is putting any question or addressing the Convention, no person shall walk out of or across the hall of the Convention; nor in such case, or when a delegate is speaking, shall entertain private discourse, nor while a delegate is speaking shall pass between him and the Chair. Every delegate shall remain uncovered during the session of the Convention. No delegate or other person shall visit or remain by the Secretary's table while the yeas and nays are being called, or ballots are being counted.

*Personalities.*

RULE 16.—Delegates shall particularly forbear personal reflections; nor shall any delegate name another in argument or debate.

*Previous Question.*

RULE 17.—The previous question shall be in the following form: "Shall the main question be now put?" If demanded by a vote of a majority of the delegates present, its effect shall but to cut off all debate and bring

the Convention to a direct vote, but the mover of the question, or the chairman of the committee having charge of the bill or resolution, shall have the right to close the debate, after the call for the previous question has been sustained, for not more than thirty minutes, unless the Convention extends the time. The demand for the previous question may be limited by the mover to any subsidiary motion or motions not of a higher rank than the motion for the previous question, or made to apply to the main question and all subsidiary motions.

*Motion for Previous Question; Incidental Points of Order Pending.*

RULE 18.—On a previous question there shall be no debate. All incidental questions of order arising after a motion is made for the previous question, and pending such motion shall be decided, whether on appeal or otherwise, without debate.

*Smoking.*

RULE 19.—No person shall be allowed to smoke within the house, lobby or gallery.

*Applause.*

RULE 20.—No applause shall be permitted, either on the floor or in the gallery of the Convention.

*Lobby or Gallery May Be Cleared.*

RULE 21.—In case of any disturbance or disorderly conduct in the lobby or gallery, the President shall have the power to order the same to be cleared.

ORDER OF BUSINESS.

*Order of Business.*

RULE 22.—The following shall be the order of business in the Convention:

1. Call to order.



2. Prayer.
3. Ascertainment of quorum.
4. Report of Committee on Journal.
5. Approval of Journal.
6. Call of the roll in alphabetical order for the introduction of resolutions, memorials, petitions and ordinances, and their proper reference.
7. Reports of standing committees.
8. Reports of special committees.
9. Unfinished business.
10. Special orders.
11. Consideration of ordinances and resolutions which have been reported from committees.
12. Miscellaneous.

If the call of the roll for the introduction of resolutions, etc., is not completed on any day, it shall be resumed on the next day where left off on the preceding day. This provision shall also apply to reports of standing committees.

## RESOLUTIONS AND MOTIONS AND THEIR PRECEDENCE.

### *Motions; Stated or Read; When to Be in Writing.*

RULE 23.—When a motion is made, it shall be stated by the President; or if in writing, shall be read aloud by the Secretary; and every motion shall be reduced to writing if the President or any delegate request it.

### *Withdrawal of Motions.*

RULE 24.—After a motion is stated by the President, or read by the Secretary, it shall be deemed in the possession of the Convention, but may be withdrawn by leave of the Convention, at any time before decision.

### *Precedence of Motions.*

RULE 25.—When a question is before the Convention, motions may be received in the following order, to-

wit: First, to fix the time to which the Convention shall adjourn; second, to adjourn; third, to lay on the table; fourth, for the previous question; fifth, to postpone to a certain day, not beyond the probable duration of the session; sixth, to commit; seventh, to amend; eighth, to indefinitely postpone. When several motions shall have precedence in the order in which they are arranged and no motion to postpone to a day certain, to commit, or to postpone indefinitely, being decided, shall be again allowed on the same day and at the same stage of the motion or proposition.

*Motion to Adjourn.*

RULE 26.—A motion to adjourn shall always be in order, even in the absence of a quorum, except when on the call for the previous question, the main question shall have been ordered, or when the Chair is stating a question, or when the roll is being called or has been called, and the vote has not been announced, or when a vote is being verified, or when a member has the floor,—and such motion shall be decided without debate.

*Reconsideration.*

RULE 27.—When a vote has passed, except on the previous question, or on motion to lay on the table, or to take from the table, it shall be in order for any delegate who voted with the majority to move for a reconsideration thereof on the same day, or within the morning session of the succeeding day, and such motion, if made on the same day, shall be considered on the next succeeding day immediately after the approval of the Journal; but if first moved on such succeeding day, it shall be forthwith considered; and when a motion for reconsideration is decided, that decision shall not be reconsidered, and no question shall be twice reconsidered. A motion to reconsider a vote, upon any incidental or subsidiary question, shall not remove the main subject under consideration from the house, but shall be considered at the time when it is made.

*Reference of Resolutions.*

RULE 28.—All resolutions, before they are voted on, shall be referred to and reported from the Committee on Rules.

*Reference; Standing Has Precedence of Special Committee on.*

RULE 29.—When motions are made for the reference of a subject to a select committee and a standing committee, the question for the reference to a standing committee shall be first put.

*Special Orders.*

RULE 30.—Any matter may, by a vote of the majority present, be made the special order for any hour, which shall take precedence, at that hour, of any other business except a motion to reconsider.

*Blanks; Filling in.*

RULE 31.—Motions to fill blanks shall be considered and treated as other amendments.

*Table; Effect of Motion to.*

RULE 32.—A motion to table shall carry to the table only the amendment, question or questions to which it is addressed.

## RIGHT AND DUTIES OF DELEGATES.

*Absentees; Call of the House; Quorum.*

RULE 33.—Twenty-five delegates shall have power to send for absent delegates, or to move a call of the house; but no call of the house shall be made except on the concurrence of a majority of the delegates present. A majority of the Convention shall be a quorum to transact business.

*Roll Call; How Made.*

RULE 34.—Upon the call of the Convention for taking the ayes and noes on any question, the name of the President shall be first called, and the names of the delegates shall be called alphabetically, and each delegate shall answer from his seat.

*Voting; Inquiry of Question Pending*

RULE 35.—When any question is taken by ayes and noes, and a delegate who has been absent returns before the question is decided, he shall be privileged to make inquiry of the subject before the Convention, and record his vote without discussion.

*Ayes and Noes; Call for.*

RULE 36.—The ayes and noes shall only be ordered when the call therefor is sustained by thirty delegates.

*Division of Question.*

RULE 37.—Any delegate may call for a division of the question when the sense will admit of it.

*Voting by Ayes and Noes; Question Lost if Vote**Equally Divided.**Voting; Ayes and Noes.*

RULE 38.—Every delegate may be required to vote on any question before the Convention. When the ayes and noes are ordered, the President shall be first called, and if the Convention be equally divided, the question shall be lost.

*Absence of Members.*

RULE 39.—No delegate shall absent himself from the session of the Convention, unless he have leave, be sick, or unable to attend.

*Explanation of Vote.*

RULE 40.—After a vote has been ordered upon any question no delegate shall be permitted to explain his vote without the unanimous consent of the Convention.

## COMMITTEES.

*By Whom Committees Appointed; Quorum; Standing Committees.*

RULE 41.—The President shall appoint all committees unless otherwise directed by the Convention. A majority shall constitute a quorum. The following shall constitute the standing committees of the Convention:

(1) Rules, of which the President shall be chairman, to be composed of nine members, and which shall have the right to report at any time.

(2) Judiciary, to be composed of twenty-five members.

(3) Order, Consistency and Harmony of the Constitution, to be composed of twenty-five members.

(4) Suffrage and Elections, to be composed of twenty-five members.

(5) Legislative Department, to be composed of nineteen members.

(6) Local Legislation, to be composed of nineteen members.

(7) Education, to be composed of nineteen members.

(8) Taxation, to be composed of nineteen members.

(9) Executive Department, to be composed of fifteen members.

(10) Preamble and Declaration of Rights, to be composed of fifteen members.

(11) Corporations, to be composed of fifteen members.

(12) Representation, to be composed of fifteen members.

(13) Exemption, to be composed of fifteen members.

(14) Militia, to be composed of fifteen members.

(15) Banks and Banking, to be composed of fifteen members.

(16) Municipal Corporations, to be composed of fifteen members.

(17) State and County Boundaries, to be composed of fifteen members.

(18) Impeachment, to be composed of fifteen members.

(19) Amending the Constitution, and Miscellaneous Provisions, composed of fifteen members.

(20) Journal, composed of five members.

(21) Schedule, Printing and Incidental Expenditures, to be composed of nine members.

*Clerks of Committees.*

RULE 42.—The following committees shall be entitled to clerks, to be appointed by the respective chairmen of the committees, whenever in the discretion of the chairman of either of said committees it may be necessary: Rules, Judiciary, Order, Consistency and Harmony of the Constitution, Suffrage and Elections, Education and Corporations.

*Recalling Matter From Committees.*

RULE 43.—Any ordinance or resolution may be recalled from a committee by a majority of the whole number of delegates elected to the Convention.

*Shall Not Sit During Sessions.*

RULE 44.—No committee shall sit during the sitting of the Convention without special leave.

*Chairmen of Committees; by Whom Designated.*

RULE 45.—The President shall designate who shall be the chairmen of all committees appointed.

*Temporary Absence of Chairman.*

RULE 46.—When the chairman of a committee is sick or unable to perform his duties, or absent from the

city, the delegate whose name appears second on the committee shall, during the sickness, inability or absence of the chairman, become chairman, and have power to call together the committee for consideration of business.

## REGULATIONS GOVERNING ADOPTION OF ORDINANCES.

### *Introduction, Reference and Printing of Ordinances.*

RULE 47.—When any ordinance is introduced it shall be read at length and be referred by the President without a vote being taken, unless otherwise ordered by a two-thirds vote of the Convention, to the appropriate committee. No ordinance shall be reported back from any committee until after the lapse of one entire legislative day. When any committee shall have reported to this Convention any article or section of the proposed Constitution, said article or section shall again be read at length, and three hundred copies thereof printed for the use of delegates; and such article or section shall lie on the table at least one day, and until in regular order it shall be taken up for consideration by the Convention.

### *Recommitment.*

RULE 48.—Ordinances and reports may be recommitted at the pleasure of the Convention.

### *Yeas and Nays on Final Passage; Journal Entries; Re-Commitment.*

RULE 49.—Upon the final adoption of any article or section of the Constitution, the vote shall be taken by yeas and nays and spread upon the Journal, and the article as adopted shall be spread upon the Journal and be referred to the Committee on Order, Consistency and Harmony of the Constitution.

*Ordinance, Title; Paper Upon Which Written; Name  
of Introducer.*

RULE 50.—The title of each ordinance shall state concisely its subject matter, and shall state the article and section of the present Constitution to which it relates, as far as practicable. Each ordinance shall be written on an entire sheet of paper, with the name of the delegate who introduces it, and the title of the ordinance endorsed thereon.

*Minority Reports.*

RULE 51.—When an ordinance or article is reported to the Convention and a minority report accompanies the majority report, the ordinance or article accompanying the minority report shall be considered an amendment and the same shall be printed and the ordinance or article shall be read a second time; and said ordinance or article and minority report shall be placed on the calendar and be considered on the third reading of the ordinance or article.

*Engrossment and Enrollment of Ordinances.*

RULE 52.—All articles of the Constitution, after their adoption by the Convention, shall be engrossed before their delivery to the Committee on Order, Consistency and Harmony of the Constitution, and after the report of said committee has been adopted by the Convention said Constitution shall be correctly enrolled.

*Report of Entire Constitution to Convention; Action  
Thereon.*

RULE 53.—The Committee on Order, Consistency and Harmony of the Constitution, shall report the entire proposed Constitution to the Convention, and the Constitution so reported shall be read and acted upon



article by article, and section by section, and submitted to a vote of the Convention; if a majority of the members present shall vote therefor the same shall be adopted, but if amended in any particular it shall be re-referred with such amendments to the said committee, who shall cause the Constitution with the amendments so adopted to be re-written and report the same to the Convention for its action. When the Constitution shall have been finally adopted by the Convention it shall be enrolled, and when enrolled it shall be again read and attested by the President and Secretary, and each delegate to the Convention personally shall sign his name thereto. The signature of a majority of the delegates present, if a majority of the Convention, shall constitute a sufficient attestation.

### MISCELLANEOUS.

#### *Definition of Terms "Ordinance," "Resolution."*

RULE 54.—All propositions intended to be incorporated in the Constitution to be formed when herein referred to are designated as ordinances, and other propositions submitted to the Convention when herein referred to are designated as resolutions.

#### *Rules; Suspension of.*

RULE 55.—That the rules of the Convention shall not be suspended, except by a two-thirds vote of every delegate present, provided a quorum must vote.

#### *Privileges of the Floor or Hall; Who Entitled to.*

RULE 56.—The lobby or floor of the Convention shall be kept clear of all persons who are not entitled to the freedom thereof; and the persons entitled to such freedom of the hall shall be as follows, viz.: (1) Delegates and officers of the Convention; (2) clerks of the committees of the Convention; (3) bona fide representatives of the press.

*Rules; Rescission of; Punishment for Violation.*

RULE 57.—None of the foregoing rules shall be rescinded without one day's notice of the motion thereof being given; and a violation of either of them may be punished by such censure as a majority of the Convention may direct.

Mr. Knox offered the following amendment, which was accepted by the committee:

Add to the end of Rule 3:

"Upon the vote being taken, the Chair shall announce that the one or the other side of the question seems to have it; and wait a reasonable time for a demand for a division; when, if no such demand is made, the Chair shall state the decision."

Mr. Jones, of Montgomery, offered the following amendment, which was accepted by the committee:

Add the following at the end of Rule 28:

"Except resolutions relating to the privileges of the Convention or its members, the orders of the day, motions to discharge the Committee on Rules from the Consideration of a resolution, or to order it to report back by a day certain."

The report, as amended, was adopted.

## ORDER TO PRINT.

Mr. Lomax moved that the Secretary be authorized to have five hundred copies of the Rules printed in pamphlet form, for the use of the delegates.

The motion prevailed.

Mr. Eyster offered the following resolution:

Resolved, That the names of the members of the various committees be printed in the same pamphlet heretofore ordered printed containing the rules of this Convention.

Mr. Cunningham offered the following amendment to the resolution offered by Mr. Eyster:

Amend by adding officers of Convention also, that the list of delegates, alphabetically, with postoffice address.

The amendment was adopted.

Mr. Eyster moved that the rules be suspended and that the resolution be adopted. The motion prevailed, and the resolution, as amended, was adopted.

#### ANNOUNCEMENT OF STANDING COMMITTEES.

The President announced the following standing committees:

**COMMITTEE ON JUDICIARY.**—Smith of Mobile, Lowe of Jefferson, Walker, Pillans, Fitts, Watts, Ferguson, Hood, Coleman of Walker, Cobb, Graham of Montgomery; Samford, Willett, Merrill, Tayloe, Leigh, NeSmith, Duke, Espy, Davis of DeKalb, Ashcraft, Wilson of Clarke, Heflin of Randolph, Kirk, Jones of Hale.

**COMMITTEE ON ORDER, CONSISTENCY AND HARMONY OF THE WHOLE CONSTITUTION.**—White, Selheimer, Spraggins, Jones of Montgomery, Williams of Barbour, Heflin of Chambers, MacDonald, Davis of DeKalb, Davis of Etowah, Weakley, Sollie, Craig, Martin, Pillans, Beddow, Moody, Carmichael of Colbert, Foster, Sorrell, deGraffenried, Norman, McMillan of Wilcox, Sanford, Sentel, Beavers.

**COMMITTEE ON SUFFRAGE AND ELECTIONS.**—Coleman of Greene, White, Miller of Wilcox, Walker, Oates, Weatherly, Smith of Mobile, Jones of Wilcox, O'Neal of Lauderdale, Stewart, Howze, Pitts, deGraffenried, Morrisette, Rogers of Lowndes, Eyster, Glover, Chapman, Graham of Talladega, Grant, Hood, Harrison, Dent, Parker of Cullman, Handley.

**COMMITTEE ON LEGISLATIVE DEPARTMENT.**—Oates, Weatherly, Brooks, MacDonald, Heflin of Chambers, Lowe of Jefferson, NeSmith, Carnathan, King, Leigh, Jackson, Espy, Chapman, Pettus, Lowe of Lawrence, Reese, Rogers of Sumter, Porter, Sloan.

**COMMITTEE ON LOCAL LEGISLATION.**—O'Neal of Lauderdale, Watts, Vaughan, Whitesides, Almon, Sanders, Greer of Calhoun, Proctor, Wilson of

Washington, Haley, Glover, Burnett, Waddell, Inge, O'Rear, Reynolds of Henry, Kyle, Banks, Reynolds of Chilton.

**COMMITTEE ON EDUCATION.**—Graham of Taladega, Ashcraft, Pettus, Bulger, Jones of Wilcox, Tayloe, Rogers of Sumter, Robinson, Williams of Barbour, Reese, Renfroe, Opp, Miller of Marengo, Inge, Locklin, Hodges, Altman, Bethune, Mac. A. Smith.

**COMMITTEE ON TAXATION.**—Browne, Pillans, Harrison, Handley, Craig, Pearce, Kyle, Long of Butler, Searcy, O'Neill of Jefferson, Maxwell, Burnett, Winn, Kirk, Martin, Coleman of Green, Cunningham, Carnation, King.

**COMMITTEE ON EXECUTIVE DEPARTMENT.**—Jones of Montgomery, Fitts, Lomax, Samford, Duke, Hodges, Norwood, M. M. Smith of Autauga, Vaughan, Williams of Marengo, Jenkins, Carmichael of Coffee, Howell, Spears, Hinson.

**COMMITTEE ON PREAMBLE AND DECLARATION OF RIGHTS.**—Lomax, Vaughan, Eyster, Fitts, Wilson of Washington, Browne, Cornwell, Barefield, Bethune, Carden, Carmichael of Coffee, Case, Blackwell, Bartlett, Phillips.

**COMMITTEE ON CORPORATIONS.**—Harrison, Rogers of Lowndes, Searcy, Graham of Montgomery, Coleman of Walker, Wilson of Clarke, Proctor, Ferguson, Williams of Marengo, Opp, Long of Butler, Burnett, Almon, Murphree, Cofer.

**COMMITTEE ON REPRESENTATION.**—Pitts, Williams of Marengo, Bulger, Knight, O'Rear, Grayson, Almon, Greer of Perry, Davis of Etowah, Carden, Jenkins, Greer of Calhoun, Hinson, Norman, Gilmore.

**COMMITTEE ON EXEMPTIONS.**—Howze, O'Neill of Jefferson, Burns, Selheimer, Sorrell, Heflin of Randolph, Stewart, Morrisette, Long of Walker, Banks, Palmer, Reynolds of Henry, Eley, Grayson, Williams of Elmore.

**COMMITTEE ON MILITIA.**—Wilson of Clarke, Greer of Calhoun, Jones of Montgomery, Spraggins, Burns, Waddell, Henderson, M. M. Smith of Autauga, Sanders, Palmer, Jones of Bibb, King, Williams of Elmore, Stoddurd, Freeman.

**COMMITTEE ON BANKS AND BANKING.**—Fletcher, Handley, Cornwell, Ledbetter, Brooks, McMillan of Baldwin, Malone, Renfroe, Dent, Searcy, Parker of Cullman, Maxwell, Eley, Winn, Reynolds of Chilton.

**COMMITTEE ON MUNICIPAL CORPORATIONS.**—Weakley, Boone, Fletcher, McMillan of Baldwin, Beddow, Sanford, Howell, Parker of Elmore, Pearce, Whitesides, Knight, Kirkland, Mulkey, Phillips, Byars.

**COMMITTEE ON STATE AND COUNTY BOUNDARIES.**—Parker of Cullman, Reese, Beavers, Jenkins, Cobb, Miller of Marengo, Sentell, Parker of Elmore, Thompson, Moody, Gilmore, Jackson, McMillan of Wilcox, Malone, Blackwell.

**COMMITTEE ON IMPEACHMENTS.**—Hood, Miller of Wilcox, Grant, Haley, Sorrell, Bulger, Lowe of Jefferson, Merrill, Henderson, Long of Walker, Robinson, Mac. A. Smith of Autauga, Thompson, Willett, Cofer.

**COMMITTEE ON AMENDING CONSTITUTION, AND MISCELLANEOUS PROVISIONS.**—Foster, Merrill, Jones of Hale, Boone, Altman, Burns, Ledbetter, Norwood, Haley, Cunningham, Sollie, Sentel, Barefield, Lowe of Lawrence, McMillan of Wilcox.

**COMMITTEE ON THE JOURNAL.**—Proctor, Wilson of Clarke, Carmichael of Colbert, Kirkland, Foshee.

**COMMITTEE ON SCHEDULES, PRINTING AND INCIDENTAL EXPENDITURES.**—Heflin of Randolph, Greer of Perry, Locklin, Wilson of Washington, Barefield, Henderson, Carmichael of Coffee, Murphree, Jones of Bibb.

## RESOLUTIONS.

Mr. Bulger offered the following resolution :

Resolved, That whereas, the prosperity and welfare of our State depends upon the intelligence and integrity of our people.

That, whereas, in the past few years we have made rapid and permanent progress in providing facilities for educating the children of our State.

Therefore, be it resolved, It is the sense of this Convention that no backward step in enducation shall be taken, but this grand work will go on until a free public school is placed in reach of every white child in Alabama.

The resolution was referred to the Committee on Education.

Mr. Graham, of Talladega, offered the following resolution :

Resolved, By this Convention, that our President is hereby requested to extend an invitation to Dr. Jabez L. M. Curry, of Washington, D. C., to address this Convention on the subject of Public Education at his earliest convenience. The specific time and arrangements to be fixed by the Convention upon reply from Dr. Curry.

The resolution was referred to the Committee on Rules.

Mr. Coleman, of Greene, offered the following resolution :

First, resolved, That the rate of taxation relative to the State, counties and municipalities, as fixed by the present Constitution, shall remain unchanged.

Second, no county, subdivision of a county, district, or municipality, shall be authorized to issue bonds, or make contract involving pecuniary obligations, which are matured at a later period than twelve months from the date of such issue, or contract, without first having been approved by a majority vote by ballot of the qualified voters of such counties, subdivision, district or municipality, by an affirmative vote in favor of such issue or contract, and in determining the result of any

election held for this purpose, no vote shall be counted as an affirmative vote which does not show on its face that such vote was cast in approval of such issue or contract, any legislative provision to the contrary notwithstanding.

The resolution was referred to the Committee on Municipal Corporations.

Mr. Burns offered the following resolution:

That the present limit of taxation, State, county and city, shall not be increased.

The resolution was referred to the Committee on Taxation.

Mr. Boone offered the following resolution:

Resolved, That the Secretary of this Convention be, and is hereby instructed to preserve five copies of printed stenographic reports of the proceedings of this Convention, and when said report is completed, cause the same to be bound and deposited in the office of the Secretary of State.

The resolution was referred to the Committee on Schedules, Printing and Incidental Expenditures

Mr. Watts offered the following resolution:

Resolved, That the official stenographer be required to deliver each day to the Secretary of State 250 of the 1,000 printed copies of the report of the proceedings of the Convention for the previous day.

Resolved, further, That it should be the duty of the Secretary of State to preserve said 250 copies of said proceedings for such use as the General Assembly may direct.

The resolution was referred to the Committee on Schedules, Printing and Incidental Expenses.

Mr. Henderson offered the following resolution:

Resolved, That the new Constitution provide that the General Assembly shall have no power to enact any law in aid of or pertaining to the removal of the seat of government of this State from where it is now located.

The resolution was referred to the Committee on Legislative Department.

Mr. Henderson also offered the following resolution:

Resolved, That it be provided in the new Constitution that representation in the General Assembly be based on population of all the people.

The resolution was referred to the Committee on Representation.

#### ORDINANCES ON FIRST READING.

The following ordinances were introduced, read at length one time, and referred to appropriate committees as follows:

Ordinance No. 1, by Mr. Brooks.

To Amend Sec. 3 of Art. II of the Constitution:

Resolved, That Section 3, of Article II of the Constitution be so amended that it shall read as follows:

After the ratification of this Constitution, no new debt shall be created against, or incurred, by this State or its authority, except to repel invasion, or suppress insurrection, and then only by concurrence of two-thirds of the members of each house of the General Assembly, and the vote shall be taken by yeas and nays, and entered on the journals; and any act creating or incurring any new debt against this State, except as herein provided for, shall be absolutely void; provided, the Governor may be authorized to negotiate temporary loans, never to exceed three hundred thousand dollars, to meet deficiencies in the Treasury; and until the same is paid, no new loan shall be negotiated; provided further, that this section shall not be so construed as to prevent the refunding, from time to time, of the bonded indebtedness of the State.

The ordinance was referred to the Committee on Taxation.

Ordinance No. 2, by Mr. Brooks:

Resolved, That Section 1 of Article XII of the Constitution be so amended that it shall read as follows:

1.—All able bodied male inhabitants of this State, between the ages of 18 years and 45 years, who are citizens of the United States, or have declared their intention to become such citizens, shall be liable to military duties in the militia of the State. And the General As-



sembly may provide for the organization from among such citizens, for a State Naval Militia.

The ordinance was referred to the Committee on Militia.

Ordinance No. 3, by Mr. Brooks:

Resolved, That Section 23 of Article XIV of the Constitution be stricken out, and the following substituted:

No public officer, or person elected or appointed to a public office, under the laws of this State, shall, directly or indirectly, ask, demand, accept, receive or consent to receive, for his own use or benefit, or for the use or benefit of another, any free pass, free transportation, franking privilege or discrimination in passenger, telegraph or telephone rates, from any person or corporation, or make use of the same himself or in conjunction with another. A person who violates any provision of this section shall be deemed guilty of misdemeanor, and shall forfeit his office at the suit of the Attorney General. Any corporation, or officer, or agent thereof, who shall offer or promise to a public officer or person elected to a public office, any such free pass, free transportation, franking privilege, or discrimination, shall also be deemed guilty of a misdemeanor, and liable to punishment, except as herein provided. No person, or officer, or agent of a corporation giving any such free pass, free transportation, franking privilege or discrimination hereby prohibited, shall be privileged from testifying in relation thereto, and he shall not be liable to civil or criminal prosecution therefor, if he shall testify to the giving of the same.

The ordinance was referred to the Committee on Rules.

Ordinance No. 4, by Mr. Browne:

An ordinance to amend Section 2 of Article XIII of the Constitution. (Relates to public schools).

Be it ordained that Section 2 of Article XIII of the Constitution of 1875 be and the same is hereby amended to read as follows:

Section 2.—The General Assembly shall establish, organize and maintain a system of public schools throughout the State, for the benefit of the children

thereof between the ages of seven and twenty-one years; provided, separate schools of the same length of term as those provided for other children, shall be provided for the children of citizens of African descent.

The ordinance was referred to the Committee on Education.

Ordinance 5, by Mr. Harrison:

An ordinance to prohibit vagrants from voting in this State.

1.—Be it ordained by the people of Alabama, in Convention assembled, that no vagrant as now defined by the statutes of Alabama shall be allowed to vote at any election in this State.

The ordinance was referred to the Committee on Suffrage and Elections.

#### ADJOURNMENT.

On motion of Mr. Wilson, of Clarke, the Convention adjourned until to-morrow at 11 o'clock.

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### SIXTH DAY.

#### CONVENTION HALL.

Montgomery, Ala., Tuesday, May 28, 1901.

The Convention met pursuant to adjournment.

Prayer was offered by Rev. Neal Anderson of the city.

#### ROLL CALL.

On a roll call of the Convention the following delegates answered to their names:

Messrs. President,  
Almon,  
Altman,  
Ashcraft,

Banks,  
Barefield,  
Bartlett,  
Beddow,

Blackwell,	Henderson,
Boone,	Hinson,
Brooks,	Hodges,
Browne,	Hood,
Bulger,	Howell,
Burnett,	Howze,
Byars,	Inge,
Cardon,	Jackson,
Carmichael (Colbert),	Jenkins,
Carmichael (Coffee),	Jones (Bibb),
Carnathon,	Jones (Montgomery)
Case,	Jones (Wilcox),
Chapman,	Kirk,
Coleman (Greene),	Kirkland,
Coleman (Walker),	Knight,
Cornwell,	Kyle,
Cunningham,	Ledbetter,
Davis (DeKalb),	Leigh,
Davis (Etowah),	Lomax,
deGraffenried,	Lowe (Jefferson),
Duke,	Lowe (Lawrence),
Eley,	Macdonald,
Eyster,	McMillan (Baldwin),
Espy,	McMillan (Wilcox),
Ferguson,	Malone,
Fitts,	Martin,
Fletcher,	Maxwell,
Foshee,	Merrill,
Foster,	Miller (Marengo),
Freeman,	Miller (Wilcox),
Gilmore,	Moody,
Glover,	Morrisette,
Graham (Montgomery),	Mulkey,
Graham (Talladega),	Murphree,
Grant,	NeSmith,
Grayson,	Norman,
Greer (Calhoun),	Norwood,
Greer (Perry),	Oates,
Handley,	O'Neal (Lauderdale),
Heflin (Chambers),	O'Neill (Jefferson),
Heflin (Randolph),	Opp,

O'Rear,	Sorrell,
Palmer,	Spears,
Parker (Cullman),	Spragins,
Parker (Elmore),	Stewart,
Phillips,	Studdard,
Pillans,	Tayloe,
Porter,	Thompson,
Proctor,	Vaughan,
Reese,	Waddell,
Reynolds (Henry),	Walker,
Robinson,	Watts,
Rogers (Sumter),	Weakley,
Samford,	Weatherly,
Sanders,	White,
Sanford,	Whiteside,
Searcy,	Williams (Barbour),
Selheimer,	Williams (Marengo),
Sentell,	Williams (Elmore),
Sloan,	Wilson (Clarke),
Smith (Mobile),	Wilson (Washington),
Smith, Mac. A.,	Winn.
Sollie,	

A quorum was present, one hundred and thirty-three delegates having answered to their names.

#### LEAVE OF ABSENCE

Was granted to Messrs. King and Reynolds of Chilton for to-day and to-morrow; to Mr. Pitts until Friday; to Messrs. Pettus, Craig and Long of Butler, for to-day; to Mr. Sollie for to-morrow and Thursday; to Mr. Dent for to-day, Wednesday and Thursday; to Mr. Jones, of Hale, indefinitely; to Mr. Watts for to-morrow and Saturday; to Mr. Lomax for to-morrow and until Saturday; and to Mr. Samford to-morrow.

#### REPORT OF THE COMMITTEE ON THE JOURNAL.

The chairman of the Committee on the Journal submitted the following report:

The Committee on the Journal beg leave to report that they have examined the Journals for the fourth and fifth days of the Convention, and found the same to be correct.

Respectfully submitted.

JOHN F. PROCTOR, *Chairman*.

The report of the committee was concurred in.

Mr. deGraffenried moved that the Journal be approved, and that the further reading of the Journal be dispensed with.

Mr. Beddow moved to table the motion of Mr. deGraffenried. The motion to table was lost.

The question recurred on the motion of Mr. deGraffenried, and the motion to approve the Journal and dispense with the reading of the same prevailed.

#### STENOGRAPHIC REPORT.

Mr. Reese called the attention of the Convention to the fact that the official stenographic report did not contain the prayer offered at the opening of each session of the Convention.

The President announced that in the future the report would contain the prayer, offered each morning in full.

#### QUESTION OF PRIVILEGE.

Mr. Ashcraft arose to a question of personal privilege, and stated that the official stenographic report of Friday's proceedings had misquoted him in his remarks of that day, in this: I am quoted as saying, "I think I have the capacity and the experience which will enable me to express clearly some of the reasons why these reports should not be made," etc. Which is incorrect. I said "*I wish I had* the capacity and the experience which would enable me to express clearly," etc.

The President ordered the official stenographic report to be corrected accordingly.

## RESOLUTIONS.

The following resolutions were offered, severally, read one time at length, and referred to appropriate committees, as follows:

Resolution 29, by Mr. Howell:

Resolved, That the daily session of this Convention shall begin at 10 o'clock a. m. and adjourn at will.

The resolution was referred to the Committee on Rules.

Resolution 30, by Mr. Lomax:

Resolved, That in any article adopted by the Committee on Corporations and reported to this Convention, the provisions of the present Constitution as to the powers of corporations shall be preserved so that such powers shall not be enlarged in any respect or particular.

The resolution was referred to the Committee on Corporations.

Resolution 31, by Mr. Malone.

Be it resolved, First, that the new Constitution shall contain a provision permitting each separate township to assess and collect a special school tax of not exceeding twenty-five cents on the hundred dollars of assessed valuation of such township.

Second—That such sum as shall be so raised shall be used in connection with the amount due each township from the general fund of the State, and shall not be used for other purposes than the actual expenses of the school of such township for the scholastic year for which same shall have been raised.

Third—That the amount so raised from the property of persons of African descent shall be used for separate schools for children of African descent, and only such sum.

Fourth—That such election shall be under the State laws, and at an election for such purposes only.

The resolution was referred to the Committee on Education.

Resolution 32, by Mr. Malone:

Be it resolved, That the new Constitution shall contain a provision for the examination by a competent public official of the financial condition of all State and private banks doing business in this State, and for the publication of same.

The resolution was referred to the Committee on Banks and Banking.

Resolution 33, by Mr. Miller, of Wilcox:

Be it resolved by this Convention, That the formation of school districts be encouraged in furtherance of our public school system, and that Trustees for the management of such schools be elected by the qualified electors of such district, and that the authority to raise funds for the support of such schools and for the building of school houses be delegated to such Trustees, at the option of the qualified voters of the district; and that such a system of district schools be established under well guarded limitations as to taxation, as will meet the inhibitions of the present Constitution, which are set out in case of *Schultes vs. Eberly*, in 82 Ala., page 242.

The resolution was referred to the Committee on Education.

Resolution 34, by Mr. Reese, of Dallas:

Resolved, That for the purpose of easy reference, the Rules Committee or such other committee as shall have supervision of the printing of the record of the proceedings, shall cause the pages constituting such record to be numbered consecutively in the same manner now practiced in the Congressional Record of the Congress.

The resolution was referred to the Committee on Rules.

Resolution 35, by Mr. Reese of Dallas:

Resolved, That the present constitutional basis of representation of the several counties in the General Assembly shall remain unchanged.

The resolution was referred to the Committee on Representation.

Resolution 36, by Mr. Reese of Dallas:

Resolved, That it is the sense of this Convention that the present constitutional provisions relating to exempt property shall remain unchanged.

The resolution was referred to the Committee on Exemptions.

Resolution 37, by Mr. Spraggins of Madison.

Resolved, That in any Constitution that may be framed, it shall be provided that all members of the General Assembly of Alabama shall be elected for four years, and that the General Assembly shall meet once in four years, unless specially called together by the Governor, and that at its sessions only general legislation shall be enacted.

The resolution was referred to the Committee on Legislative Department.

Resolution 38, by Mr. Thompson:

Be it resolved by this Convention, That the Committee on Education shall so frame the article on Education that no money derived by taxation upon the property of white people shall be diverted to or appropriated for the support of any schools other than those for white children.

The resolution was referred to the Committee on Education.

Resolution 39, by Mr. Vaughan, of Dallas:

Whereas, the Democratic party adopted a platform upon which a large majority of the delegates to this Convention were elected; and,

Whereas, it is right and proper that the provisions of said platform should be observed by this Convention.

Therefore, be it resolved, That there shall be inserted in any Constitution adopted by this Convention provisions regulating suffrage so as not to conflict with the Constitution of the United States, and for the best interests of the tax payers and people of the State of Alabama.

Second, that there shall be inserted in such Constitution a provision limiting the rate of taxation by the State, counties and municipalities, and that such rate of taxation shall not exceed the rate now fixed by the present Constitution, but a lower rate shall be fixed, if practicable.



Third, that the said Constitution shall not deprive any white man of the right to vote except for conviction of infamous crimes.

Fourth, that Section 39 of Article IV of the present Constitution in reference to the removal and location of the State Capitol shall remain unchanged.

Fifth, that the rights and privileges conferred by the present Constitution upon corporations shall not be enlarged.

The resolution was referred to the Committee on Taxation.

#### ORDINANCES ON FIRST READING.

The following ordinances were introduced, severally read one time at length, and referred to appropriate committees as follows:

Ordinance No. 6, by Mr. Hodges:

To amend Section 2, Article XI of the Constitution.  
(Relates to Education.)

The ordinance was referred to the Committee on Education.

Ordinance No. 7, by Mr. Howell:

To amend Section 2, Article II, of the Constitution relative to the area of counties.

The ordinance was referred to the Committee on State and County Boundaries.

Ordinance No. 8, by Mr. Howze:

Be it ordained by the people of Alabama, in Convention assembled, that the Governor may veto any part or parts of any appropriation bill, and approve parts of the same, and the portions approved shall be law.

The ordinance was referred to the Committee on Executive Department.

Ordinance No. 9, by Mr. Howze:

Be it ordained by the people of Alabama, in Convention assembled, that the salary or fees of any public officer shall not be increased during his term of office.

The ordinance was referred to the Committee on Amending Constitution and Miscellaneous Provisions.

Ordinance No. 10, by Mr. Howze:

Providing for the election of Lieutenant Governor.

The ordinance was referred to the Committee on Executive Department.

Ordinance No. 11, by Mr. Jones, of Montgomery:

To amend Article VIII of the Constitution. (Relates to Suffrage and Elections).

The ordinance was referred to the Committee on Suffrage and Elections.

Ordinance No. 12, by Mr. Jones, of Montgomery:

To amend Section 1 of Article VII of the Constitution. (Relates to Impeachments.)

The ordinance was referred to the Committee on Impeachments.

Ordinance No. 13, by Mr. Kirk:

To amend Section 5 of Article V of the Constitution. (Relates to Succession of State Officers).

The ordinance was referred to the Committee on Executive Department.

Ordinance No. 14, by Mr. Kirk:

To amend Sections 5, 6, 18, 23, and add Section 29 to Article VI of the Constitution. (Relates to holding of Circuit Court).

The ordinance was referred to the Committee on Judiciary.

Ordinance 15, by Mr. Kirkland:

Be it ordained that all officers hereafter elected by the people of the State of Alabama, both State and county, shall be elected at one and the same time for a period of four years from the time of their election, and until their successors are elected; provided, that no officer so elected shall be eligible to succeed himself as such officer.

The ordinance was referred to the Committee on Executive Department.

Ordinance 16, by Mr. Kirkland:

Relating to exemption laws.

The ordinance was referred to the Committee on Exemptions.

Ordinance 17, by Mr. Lomax:

To limit the powers of political or municipal corporations to incur debts and issue bonds.

The ordinance was referred to the Committee on Municipal Corporations.

Ordinance 18, by Mr. Lomax:

An ordinance limiting the powers of the General Assembly as to local and special legislation.

The ordinance was referred to the Committee on Legislative Department.

Ordinance 19, by Mr. Lomax:

To readopt Section 7 of Article XI as amended, of the present Constitution in reference to taxation by cities, towns and municipal corporations.

The ordinance was referred to the Committee on Municipal Corporations.

Ordinance 20, by Mr. Lomax:

An ordinance to readopt, with certain changes therein set out, certain sections of the present Constitution in reference to taxation, said sections being part of Article XI of the present Constitution.

The ordinance was referred to the Committee on Taxation.

Ordinance 21, by Mr. Lomax:

An ordinance to readopt the provisions of Article X of the Constitution of 1875 relating to exemptions.

The ordinance was referred to the Committee on Exemptions.

Ordinance 22, by Mr. Lomax:

An ordinance relating to suffrage and elections.

The ordinance was referred to the Committee on Suffrage and Elections.

Ordinance 23, by Mr. Macdonald:

Ordinance to amend Section 22 of Article IV of the Constitution.

The ordinance was referred to the Committee on Legislative Department.

Ordinance 24, by Mr. Macdonald:

Ordinance to amend Section 19 of Article IV of the Constitution.

The ordinance was referred to the Committee on Legislative Department.

Ordinance 25, by Mr. Macdonald:

To amend Article VIII of the Constitution.

The ordinance was referred to the Committee on Suffrage and Elections.

Ordinance No. 26, by Mr. Malone:

To amend Article II of Section 2. (Relates to State and County Boundaries.)

The ordinance was referred to the Committee on State and County Boundaries.

Ordinance No. 27, by Mr. Miller, of Marengo:

(Relates to State and County boundaries.)

The ordinance was referred to the Committee on State and County Boundaries.

Ordinance No. 28, by Mr. Mulkey:

To amend Article V, Section 26 of Constitution. (Relates to Election of Sheriff, and Removal from office).

The ordinance was referred to the Committee on Executive Department.

Ordinance No. 29, by Mr. Murphree:

To amend Section 2 of Article XVII of the Constitution. (Relates to the holding of Constitutional Convention).

The ordinance was referred to the Committee on Amending Constitution and Miscellaneous Provisions.

Ordinance 30, by Mr. Murphree:

To amend Section 5 of Article XIII. (Relates to maintenance of public schools.)

The ordinance was referred to the Committee on Education.

Ordinance 31, by Mr. Murphree:

To amend Section 5 of Article IV of the Constitution. (Relates to the holding of the sessions of the Legislature).

The ordinance was referred to the Committee on Legislative Department.

Ordinance 32, by Mr. Murphree:

To amend Section 2, Article X of the Constitution, relating to exemption (homestead).

The ordinance was referred to the Committee on Exemption.

Ordinance 33, by Mr. Oates:

Proposition of Senator John T. Morgan for elective franchise of the Constitution, with brief and citation of authority to sustain the same.

The ordinance was referred to the Committee on Suffrage and Elections.

Ordinance 34, by Mr. O'Neal of Lauderdale:

To amend Article XII, Section 1 of the Constitution, relating to military duties.

The ordinance was referred to the Committee on Militia.

Ordinance 35, by Mr. O'Neal, of Lauderdale:

To provide who shall be eligible to hold office under the Constitution and laws of Alabama.

The ordinance was referred to the Committee on Suffrage and Elections.

Ordinance 36, by Mr. Phillips, of Clay:

To define county boundaries.

The ordinance was referred to the Committee on State and County Boundaries.

Ordinance 37, by Mr. Pillans:

To amend Article II, Section 2 of the Constitution, relating to removal of county seats.

The ordinance was referred to the Committee on State and County Boundaries.

Ordinance 38, by Mr. Pillans:

To amend Article 1, Declaration of Rights, relating to prohibition of flogging convicts.

The ordinance was referred to the Committee on Preamble and Declaration of Rights.

Ordinance 39, by Mr. Robinson:

To amend Section 1, Article XIII of the Constitution, relating to education.

The ordinance was referred to the Committee on Education.

Ordinance 40, by Mr. Samford:

To restrict the issuance of bonds by municipal corporations.

The ordinance was referred to the Committee on Municipal Corporations.

Ordinance 41, by Mr. Samford:

To provide for the deposit of State funds in State banks.

The ordinance was referred to the Committee on Executive Department.

Ordinance 42, by Mr. W. T. Sanders:

To amend Section 1 of Article X of the Constitution, relating to exemptions of personal property.

The ordinance was referred to the Committee on Exemptions.

Ordinance 43, by Mr. Sanders:

To amend Section 2 of Article X of the Constitution, relating to homestead exemptions.

The ordinance was referred to the Committee on Exemptions.

Ordinance 44, by Mr. Sanders:

To amend Section 3 of Article X of the Constitution, relating to homestead exemptions.

The ordinance was referred to the Committee on Exemptions.

Ordinance 45, by Mr. Sanford, of Montgomery:

To prohibit a sentence for contempt of court for any act committed out of its presence, without a trial by jury.

The ordinance was referred to the Committee on Judiciary.

Ordinance 46, by Mr. Sanford, of Montgomery:

To establish executive department of Alabama.

The ordinance was referred to the Committee on Executive Department.

Ordinance 47, by Mr. Sorrell:

To amend Section 5 of Article IV of the Constitution, relating to the time when the General Assembly shall meet.

The ordinance was referred to the Committee on Legislative Department.

Ordinance 48, by Mr. Spraggins:

To amend Section 1 of Article XIII of the Constitution, relating to education.

The ordinance was referred to the Committee on Education.

Ordinance 49, by Mr. Spraggins:

To amend Section 2 of Article XI of the Constitution, relating to special tax for school purposes.

The ordinance was referred to the Committee on Education.

Ordinance 50, by Mr. Thompson of Bibb:

To amend Section 3 of Article VIII of the present Constitution, relative to qualifications for office.

The ordinance was referred to the Committee on Education.

Ordinance No. 51, by Mr. Thompson:

To amend Sec. 8, Art. XIII of the present Constitution. (Relates to Appropriations for Schools.)

The ordinance was referred to the Committee on Education.

Ordinance No. 52, by Mr. Walker:

To regulate the mode of compensating the Clerk of the Supreme Court. (Relates to compensation of Clerk of Supreme Court.)

The ordinance was referred to the Committee on Judiciary.

Ordinance No. 53, by Mr. Walker:

To amend Article XVII of the present Constitution. (Relates to proposed amendments of the Constitution.)

The ordinance was referred to the Committee on Amending Constitution and Miscellaneous Provisions.

Ordinance No. 54, by Mr. Watts:

To amend Section 23 of Article IV of the present Constitution. (Relates to Local Legislation).

The ordinance was referred to the Committee on Local Legislation.

Ordinance No. 55, by Mr. Watts:

(Relates to Suffrage and Election.)

The ordinance was referred to the Committee on Suffrage and Election.

Ordinance No. 56, by Mr. Whiteside:

An ordinance to fix qualification of Superintendents of Education. (Relates to qualification of Superintendents of Education.)

Ordinance No. 57, by Mr. Williams of Marengo:

To abolish Justices of Peace offices in towns, villages and cities.

The ordinance was referred to the Committee on Judiciary.

Ordinance No. 58, by Mr. Wilson of Clarke:

To define qualification of voters in primary elections.

The ordinance was referred to the Committee on Suffrage and Elections.

ADJOURNMENT.

On motion of Mr. Malone the Convention adjourned until 11 o'clock to-morrow morning.

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SEVENTH DAY.

CONVENTION HALL.

Montgomery, Ala., Wednesday, May 29, 1901.

The Convention met pursuant to adjournment.

Prayer was offered by Rev. Neal Anderson of the city.

ROLL CALL.

On a call of the roll of the Convention the following delegates answered to their names, which constituted a quorum:

Messrs. President,	Byars,
Almon,	Cardon,
Altman,	Carmichael (Colbert),
Ashcraft,	Carmichael (Coffee),
Banks,	Carnathon,
Barefield,	Case,
Bartlett,	Chapman,
Beavers,	Cobb,
Beddow,	Coleman (Greene),
Bethune,	Coleman (Walker),
Blackwell,	Cunningham,
Boone,	Davis (DeKalb),
Brooks,	Davis (Etowah),
Browne,	deGraffenried,
Bulger,	Duke,
Burnett,	Eley,
Burns,	Eyster,



Espy,	McMillan (Baldwin).
Ferguson,	McMillan (Wilcox),
Fitts,	Malone.
Fletcher,	Martin,
Foshee,	Maxwell,
Foster,	Merrill,
Freeman,	Miller (Marengo).
Gilmore,	Miller (Wilcox),
Glover,	Moody,
Graham (Montgomery),	Morrisette,
Graham (Talladega),	Mulkey,
Grant,	Murphree,
Grayson,	NeSmith,
Greer (Calhoun),	Norman,
Greer (Perry),	Norwood,
Haley,	Oates,
Handley,	O'Neal (Lauderdale),
Heflin (Chambers),	O'Neill (Jefferson),
Heflin (Randolph),	Opp,
Henderson,	O'Rear,
Hinson,	Palmer,
Hodges,	Parker (Cullman),
Hood,	Parker (Elmore),
Howell,	Pearce,
Howze,	Pettus,
Inge,	Phillips,
Jackson,	Pillans,
Jenkins,	Porter,
Jones (Bibb),	Procter,
Jones (Montgomery),	Reese,
Jones (Wilcox),	Reynolds (Chilton),
Kirk,	Reynolds (Henry),
Kirkland,	Robinson,
Knight,	Rogers (Sumter),
Kyle,	Samford,
Ledbetter,	Sanders,
Leigh,	Sanford,
Locklin,	Searcy,
Long (Butler),	Selheimer,
Lowe (Lawrence),	Sentell,
Macdonald,	Sloan,

Smith (Mobile),  
 Smith, Mac. A.,  
 Smith, Morgan M.,  
 Sollie,  
 Sorrell,  
 Spears,  
 Spragins,  
 Stewart,  
 Studdard,  
 Tayloe,  
 Vaughan,  
 Waddell,

Walker,  
 Weakley,  
 Weatherly,  
 White,  
 Whiteside,  
 Willett,  
 Williams (Barbour),  
 Williams (Marengo),  
 Wilson (Clarke),  
 Wilson (Washington),  
 Winn—139.

RECOMMITTAL OF ORDINANCE.

On motion of Mr. Sanford, Ordinance 45:

To prohibit a sentence for contempt of court, for any act committed out of its presence, without a trial by jury.

Was recalled from the Committee on Judiciary and recommitted to the Committee on Preamble and Declaration of Rights.

LEAVES OF ABSENCE.

Was granted to Messrs. Long, of Walker, for to-day; Pearce for to-day; Cornwell for to-day and to-morrow; Thompson indefinitely; Cofer for to-day; Titts for to-morrow, Friday and Saturday; Davis, of Etowah, for to-morrow, Friday and Saturday; Craig for to-day.

JOURNAL.

The chairman of the Committee on the Journal submitted the following report:

The Committee on the Journal beg leave to report that they have examined the Journal for the sixth day of the Convention, and that the same is correct.

Respectfully submitted,

JOHN F. PROCTOR, *Chairman.*

The report of the Committee was concurred in.

Mr. Fitts moved that the reading of the Journal be dispensed with, and that the same be approved. The motion prevailed.

#### RESOLUTIONS.

The following resolutions were introduced, severally read one time at length, and referred to appropriate committees as follows:

Resolution No. 42, by Mr. Altman:

To print three hundred copies of Bill of Rights and Constitution. Be it resolved that three hundred copies of the Bill of Rights and Constitution be printed and distributed among the members of the Convention and committees.

The resolution was referred to the Committee on Rules.

Resolution No. 42, by Mr. Case:

*Whereas*, The State of Alabama is far behind other States appertaining to educational advantages, and most especially as relating to public schools; and

*Whereas*, It has been suggested that school districts should be laid off in every county, town and city in this State, and that each such district be empowered to vote any taxes upon itself for the education of its children, which it may see proper; and that the ten cents now levied on every one hundred dollars worth of taxable property by the State, for school purposes, be repealed; and

*Whereas*, Should that be done, a great many of such school districts would be composed entirely of very poor people, and thinly settled; and

*Whereas*, It has been further suggested that, when the above mentioned changes shall have been effected, the State shall stop its appropriations to the common schools; and, whereas, should this be done, each such school would be confined, for support, alone to the taxes levied in its own district—which would cause the common schools in the rural districts to languish and die, as it were, for want of sufficient funds with which to

educate their children; and many bright-eyed boys and girls, the parents of whom fortune has failed to favor, would not have an equal chance for a common school education with the children of those wealthy districts, blessed with railroads, and the homes of many capitalists and large corporations possessed of their millions. For such last named schools would get the principal amount of such money for educational purposes, leaving the poor rural districts almost absolutely destitute of educational aid; therefore, be it

*Resolved*, That it is the sense of this Convention that it hold intact the present provision of ten cent tax upon the one hundred dollars of assessible property in the State, to be levied and collected for the support of the common schools; and that it request the Legislature to make additional appropriations for such schools, from time to time, whenever the financial condition of the State will justify it.

The resolution was referred to the Committee on Education.

Resolution No. 43, by Mr. deGraffenried:

To authorize the President of this Convention to appoint two shorthand reporters to serve the committees and the members of this Convention.

*Resolved*, That the President of this Convention shall appoint two shorthand reporters, at a salary of \$2.50 per day, whose duty it shall be to wait upon and serve the committees of this Convention when directed to do so by the respective chairman thereof, and, when not performing work for the committees, to wait upon and serve the members of this Convention in the preparation of ordinances, resolutions and motions, to be submitted to this Convention. The said shorthand reporters appointed under this resolution shall have, as their regular place of business, the cloak room of the Senate Chamber.

The resolution was referred to the Committee on Rules.

Resolution No. 44, by Mr. Eyster:

*Resolved*, That the office of reading clerk of this Convention is hereby created, and the compensation of

such reading clerk shall be the same as that of the assistant secretary.

The above resolution was read one time at length, and, on motion of Mr. Parker, of Cullman, the rules were suspended, and the motion was adopted.

The following resolutions were introduced, read one time at length, and referred to appropriate committees, as follows:

Resolution No. 45, by Mr. Ferguson:

Resolved, That in framing the suffrage clause to the Constitution to be enacted by this Convention, due regard shall be given to the following well-known principles:

First, that the ability to read and write is not a supreme test of good citizenship.

Second, that the inability to read and write is not a test of bad citizenship.

Third, that the true test of good citizenship is the patriotic and fairly intelligent use of the ballot in the hands of those who look to their country's good, free from malevolent or corrupting influences of any character whatever, and who, by inherited characteristics, act for the best interests of good government.

Fourth, that it is the purpose of the Convention in conferring the electoral franchise, to give it in harmony with these principles, to the end that good government shall be made secure, and that substantial, patriotic citizenship shall be recognized in accordance with the Fifteenth amendment to the Federal Constitution.

The resolution was referred to the Committee on Suffrage and Elections.

Resolution No. 46, by Mr. Graham, of Montgomery:

Resolved, That the Secretary of State be and is hereby instructed to furnish each member of this Convention a copy of the Code of Alabama (Civil and Criminal), taking his receipt therefor.

Resolved further, That immediately before this Convention shall adjourn sine die, the members thereof shall return to the Secretary of State the Codes delivered to them, and take up their receipts therefor.

The resolution was referred to the Committee on Rules.

By unanimous consent the resolution No. 46 was withdrawn.

Resolution No. 47, by Mr. Greer, of Calhoun:

Resolved, That a tax of \$1.50 per head be and is hereby levied against all dogs, bitches, all other species of the canine family, and said tax to be levied, and collected in same manner that present poll tax is levied and collected, the same to be used exclusively for school purposes, and each school district, or township is to have all of said funds collected in its own township or district; provided, however, that any person or persons convicted of stealing a dog, bitch, or other species of dog, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than \$50 nor more than \$500, and may also be sentenced to hard labor for the county for not more than six months, at the discretion of the court, and all such fines collected shall go into the general school fund, and the same shall be distributed as may be prescribed by law.

The resolution was referred to the Committee on Education.

Resolution No. 48, by Mr. Greer, of Calhoun:

Resolved, That no county site shall be removed except it be done by a majority of the voters of the county by ballot.

The resolution was referred to the Committee on State and County Boundaries.

Resolution No. 49, by Mr. Greer, of Calhoun:

Resolved, That no bill shall be introduced in the General Assembly during the last fifteen days of its session that is purely local in its nature.

The resolution was referred to the Committee on Legislative Department.

Resolution No. 50, by Mr. Henderson, of Pike:

Resolved, That five hundred copies of the present Constitution be printed for the use of the members of this Convention.

The resolution was referred to the Committee on Rules.

Resolution No. 51, by Mr. Henderson:

Resolved, That the rate of interest in this State shall be fixed at six per cent. per annum; provided, any rate may be contracted for, not exceeding ten per cent. per annum, and that these rates shall not be increased or lessened by law. And that no days of grace be hereafter allowed on commercial or negotiable paper.

The resolution was referred to the Committee on Banks and Banking.

Resolution No. 52, by Mr. Henderson:

Resolved, That a commission known as the Railroad Commission of Alabama be established by the new Constitution. That it consist of one president and two associates. One to be elected by the people, one by the Senate, and one to be appointed by the Governor. They shall hold office for six years, but it shall be so arranged that one shall go out of office every two years.

Said Commission shall have powers:

First—To exercise a general supervision over all railroads and other common carriers of this State.

Second—To revise all tariff rates for transportation and adjust the same to just and equitable compensation, and to prevent all unjust discrimination.

Third—To require needful improvements, fencing, and repairs, and to require the establishment and changes of stations.

Fourth—To hear and determine all complaints by and against railroads and other common carriers, and its judgments, orders and decrees shall have the force and effect of judgments of law, and it shall have full power to enforce them, as may be provided by law.

Fifth—Said commission shall do and perform any duty required of it by law.

The resolution was referred to the Committee on Corporations.

Resolution No. 53, by Mr. Henderson:

Resolved, That the new Constitution provide that no person of African descent shall hold office in this State, except as a teacher in the public schools of his race; nor shall any such person be drawn to serve as a juror in the courts of this State.

The resolution was referred to the Committee on Judiciary.

Resolution No. 54, by Mr. Henderson:

Resolved, That the new Constitution provide that the Governor of this State shall not be eligible to the Senate of the United States while in office, nor within one year thereafter.

The resolution was referred to the Committee on Executive Department.

Resolution No. 55, by Mr. Henderson:

Resolved, That the new Constitution provide that no member of the General Assembly be allowed mileage for the distance traveled to and from the seat of government, where he travels by public conveyance free of charge.

The resolution was referred to the Committee on Legislative Department.

Resolution No. 56, by Mr. Henderson:

Resolved, That Section 30 of the Declaration of Rights be amended to read as follows:

That no title of nobility or hereditary distinction, privilege, honor or emolument, shall ever be granted or conferred in this State; and there shall be no unjust discrimination against the rights of persons or the rights of things, except in the exercise of the police powers, and of eminent domain of government, and to exempt from taxation property used for educational, charitable and religious purposes; and that no office shall be created, the appointment to which shall last longer than good behavior.

The resolution was referred to the Committee on Preamble and Declaration of Rights.

Resolution No. 57, by Mr. Henderson:

Resolved, That no special Tax shall be levied and collected to pay the salary of any officer of this State, nor to maintain any separate State department.

The resolution was referred to the Committee on Taxation.

Resolution No. 58, by Mr. Henderson:

Resolved, That the homestead of every resident of this State be exempt from any sale under execution or



other legal process from any court, and from sale under mortgage, nor shall the same be waived in any manner for the payment of any claim for money.

Provided, Said homestead shall be liable for the purchase money and for any lien created by law for labor and material furnished for improvements or betterments. If said homestead is not in any city, town or village it shall not exceed in area more than eighty acres, and shall not be increased or lessened in area by law. If in any city, town or village it shall not exceed in value two thousand dollars.

There shall also be exempt in the same manner the following personal property: All household and kitchen furniture, all family portraits and pictures, all books used in the family; but said personal property shall be liable for the payment of any lien for rent for any house used as a dwelling place for such family.

There shall also be exempt from sale under execution or legal process issued from any court, personal property to be selected by the owner not to exceed in value one thousand dollars. But this exemption may be mortgaged, sold by private sale or under legal process where the same is waived as provided by law, for the payment of any debt contracted since the adoption of this Constitution.

The resolution was referred to the Committee on Exemptions.

Resolution No. 59, by Mr. Henderson:

Resolved, That the new Constitution provide that no bonded indebtedness shall be authorized by law to be created by any county, city, town or other subdivision of the State, unless by the consent of a majority of the legally qualified voters residing within the district to be effected, such consent to be ascertained by an election as may be provided by law. For the payment of bonds issued under this provision for educational purposes, no tax exceeding one-fourth of one per cent. shall be levied and collected upon the assessed value of the property within the district for which such bonds may issue.

The resolution was referred to the Committee on Taxation.

## POINT OF ORDER.

Mr. Weatherly raised the point of order that under Rule 28 all resolutions should be referred to the Committee on Rules.

The point of order was not sustained.

## ORDINANCES ON FIRST READING.

The following ordinances were introduced, severally read at length, one time, and referred to appropriate committees, as follows:

Ordinance 59, by Mr. Almon:

To amend Section 5, Article II of the Constitution, relating to taxation.

The ordinance was referred to the Committee on Taxation.

Ordinance 60, by Mr. Waddell:

To provide for working the public roads of the State.

The ordinance was referred to the Committee on Amending Constitution and Miscellaneous Provisions.

Ordinance 61, by Mr. Waddell:

Giving the General Assembly power to pass laws governing the gathering and marketing of farm products raised in this State.

The ordinance was referred to the Committee on Legislative Department.

Ordinance 62, by Mr. Barefield:

To amend Article I, Section 1, of the Constitution of Alabama, relating to Declaration of Rights.

The ordinance was referred to the Committee on Preamble and Declaration of Rights.

Ordinance 63, by Mr. Beddow:

To amend Section 7, Article XI of the Constitution of Alabama, relating to taxation.

The ordinance was referred to the Committee on Taxation.

Ordinance 64, by Mr. Beddow:

An ordinance to amend Section 12, Article I, Bill of Rights of the Constitution of Alabama.

The ordinance was referred to the Committee on Preamble and Declaration of Rights.

Ordinance 65, by Mr. Blackwell:

To prohibit any person who, while a candidate for any office, shall be guilty of bribery or fraud, or wilful violation of any election law, from voting or holding office in this State.

The ordinance was referred to the Committee on Suffrage and Elections.

Ordinance 66, by Mr. Blackwell:

To prohibit any person who practices fraud in elections from voting or holding office in this State.

The ordinance was referred to the Committee on Suffrage and Elections.

Ordinance 67, by Mr. Blackwell:

To provide for the filling of all vacancies that may occur in county offices by a direct vote of the people.

The ordinance was referred to the Committee on Executive Department.

Ordinance 68, by Mr. Blackwell:

Providing that each county shall have a superintendent of education, who shall be elected by the people, and shall possess certain qualifications.

The ordinance was referred to the Committee on Education.

Ordinance 69, by Mr. Boone:

To amend Article XIV, Section 1, of the Constitution of Alabama, relating to corporations.

The ordinance was referred to the Committee on Corporations.

Ordinance 70, by Mr. Boone:

To amend Article 1, Section 12, of the Constitution, relating to trial by jury.

The ordinance was referred to the Committee on Preamble and Declaration of Rights.

Ordinance 71, by Mr. Boone:

To amend Article 1, Section 23, of the Constitution of Alabama, relating to ex post facto laws.

The ordinance was referred to the Committee on Preamble and Declaration of Rights.

Ordinance 72, by Mr. Boone:

To amend Article XIV, Section 10, of the Constitution of Alabama (relating to corporations.)

The ordinance was referred to the Committee on Corporations.

Ordinance 73, by Mr. Browne:

To amend Section 7, of Article XI, of the Constitution, relating to taxation.

The ordinance was referred to the Committee on Municipal Corporations.

Ordinance 74, by Mr. Bulger:

To revise and amend Article XIII of the present Constitution of the State, which relates to education.

The ordinance was referred to the Committee on Education.

Ordinance 75, by Mr. Burns:

To exempt veterans of the Civil War from payment of licenses, etc.

The ordinance was referred to the Committee on Taxation.

Ordinance 76, by Mr. Burns:

To add an additional section to Article VIII of the Constitution on Suffrage and Elections.

The ordinance was referred to the Committee on Suffrage and Elections.

Ordinance 77, by Mr. Carmichael, of Colbert:

To amend Section 1, of Article XIII of the Constitution, relating to education.

The ordinance was referred to the Committee on Education.

Ordinance 78, by Mr. Carmichael, of Coffee:

To regulate the granting of franchises by municipal corporations.

The ordinance was referred to the Committee on Municipal Corporations.

Ordinance 79, by Mr. Carmichael, of Coffee:

To amend Section 24 of Article IV, of the present Constitution, relates to local legislation.

The ordinance was referred to the Committee on Local Legislation.

Ordinance 80, by Mr. Carmichael, of Coffee:

To make the pay of the public school teachers a preferred claim.

The ordinance was referred to the Committee on Education.

Ordinance 81, by Mr. Case, of DeKalb:

To amend Article 1 of the Constitution, relating to declaration of rights.

The ordinance was referred to the Committee on Preamble and Declaration of Rights.

Ordinance 82, by Mr. Duke:

To amend Section 5 of Article V of the Constitution, relates to the election of Governor and other State officers.

The ordinance was referred to the Committee on Executive Department.

Ordinance 83, by Mr. Duke:

To amend Section 4, of Article IV of the Constitution relating to age of Senators and members of the General Assembly.

The ordinance was referred to the Committee on Legislative Department.

Ordinance 84, by Mr. Eyster:

To amend Section 2 of Article II of the Constitution relating to county boundaries.

The ordinance was referred to the Committee on State and County Boundaries.

Ordinance 85, by Mr. Eyster:

Repealing paragraph 35 of the Declaration of Rights.

The ordinance was referred to the Committee on Preamble and Declaration of Rights.

Ordinance 86, by Mr. Eyster:

Relating to State University.

The ordinance was referred to the Committee on Education.

Ordinance 87, by Mr. Ferguson, of Jefferson:

An ordinance concerning the right of citizens to bear arms.

The ordinance was referred to the Committee on Preamble and Declaration of Rights.

Ordinance 88, by Mr. Fitts, of Tuscaloosa:

An ordinance to repeal Section 38 of the present Bill of Rights.

The ordinance was referred to the Committee on Preamble and Declaration of Rights.

Ordinance 89, by Mr. Fletcher, of Madison:

To amend Section 7 of Article XI of the present Constitution in regard to taxation of municipal corporations.

The ordinance was referred to the Committee on Taxation.

Ordinance 90, by Mr. Foster, of Tuscaloosa :

An ordinance to define general laws :

The ordinance was referred to the Committee on Local Legislation.

Ordinance 91, by Mr. Foster, of Tuscaloosa :

An ordinance to amend Section 1 of Article VIII of the Constitution.

The ordinance was referred to the Committee on Suffrage and Elections.

Ordinance 92, by Mr. Foster, of Tuscaloosa :

An ordinance to amend Section 9 of Article XIII of the Constitution.

The ordinance was referred to the Committee on Education.

Ordinance 93, by Mr. Foster, of Tuscaloosa :

An ordinance to further restrict the powers of the General Assembly.

The ordinance was referred to the Committee on Local Legislation.

Ordinance 94, by Mr. Glover :

An ordinance to amend Section 12, of Article I of the Constitution of Alabama.

The ordinance was referred to the Committee on Preamble and Declaration of Rights.

Ordinance 95, by Mr. Glover :

An ordinance to amend Section 1 of Article XIII of the Constitution of Alabama.

The ordinance was referred to the Committee on Education.

Ordinance 96, by Mr. Graham, of Montgomery :

To amend Section 1 of Article V of the Constitution of Alabama. (Relates to Executive Department.)

The ordinance was referred to the Committee on Executive Department.

Ordinance 97, by Mr. Graham, of Montgomery:

An ordinance to amend Sections 23 and 24 of Article IV of the Constitution of Alabama. (Relates to Legislative Department.)

The ordinance was referred to the Committee on Legislative Department.

Ordinance 98, by Mr. Graham, of Talladega:

An ordinance to amend Section 25 of Article VI of the present Constitution.

The ordinance was referred to the Committee on Judiciary.

Ordinance 99, by Mr. Grayson, of Madison:

An ordinance to amend Section 2 of Article I of the Constitution of 1875. (Relates to Declaration of Rights.)

The ordinance was referred to the Committee on Preamble and Declaration of Rights.

Ordinance 100, by Mr. Grayson:

To amend Article 13, of the Constitution of 1875. (Relates to education.)

The ordinance was referred to the Committee on Education.

Ordinance 101, by Mr. Handley:

Providing for a reduction on taxation in certain contingencies. (Referring to taxation.)

The ordinance was referred to the Committee on Taxation.

Ordinance 102, by Mr. Heflin, of Randolph:

To confirm and ratify Section 12 of Article I of the Constitution. (Referring to right of trial by jury.)

The ordinance was referred to the Committee on Preamble and Declaration of Rights.)

Ordinance 103, by Mr. Hinson:

To amend Section 24 of Article IV of the Constitution. (Relating to local laws).

The ordinance was referred to the Committee on Legislative Department.

Ordinance 104, by Mr. Howell:

To regulate the mileage and per diem of members of the General Assembly.

The ordinance was referred to the Committee on Legislative Department.

Ordinance 105, by Mr. Howze:

To require salaries of judges to be paid by the State.

The ordinance was referred to the Committee on Judiciary.

#### REPORT OF THE COMMITTEE ON RULES.

Mr. Smith, of Mobile, acting chairman of the Committee on Rules, submitted the following report:

The Committee on Rules have considered the resolutions hereinafter mentioned, and beg leave to report in regard thereto as follows:

It reports, as a substitute for resolution number 11, offered by Mr. Rogers, of Lowndes, the following resolution, and recommends its adoption by the Convention: Resolution 11:

Resolved, That until otherwise ordered, this Convention shall meet regularly at 10 o'clock a. m., and stand adjourned at 1 o'clock p. m.

It reports favorably resolution Number 12, introduced by Mr. Bulger, of Tallapoosa, and recommends its adoption by the Convention. Said resolution reads as follows:

Resolution 12:

That, whereas, Hon. John B. Knox, the distinguished President of this Convention, at the beginning of the permanent organization of the Convention, delivered a most able address, outlining our plans, policies and duties looking to the framing of a Constitution for our State; therefore, be it

Resolved, That the Secretary of this Convention be and he is hereby directed to have printed five thousand copies of the address for the use of the members of the Convention.

Resolution 15:

It reports that the substance of resolution number 15, offered by Mr. Watts of Montgomery, has already been embodied in the rules of the Convention, and that further consideration thereof has, therefore, become unnecessary.

Resolution 14:



It reports favorably upon resolution number 14, introduced by Mr. Rogers, of Sumter, and recommends its adoption by the Convention. Said resolution reads as follows:

Resolved, That the Secretary of this Convention procure and have printed in consolidated form, for the use of its members, five hundred copies of those sections relating to suffrage in the Constitutions of the following States: Connecticut, Massachusetts, Maryland, Pennsylvania, North and South Carolina, Mississippi, Louisiana, California and Utah.

The said resolutions hereinabove referred to are herewith returned to the Convention.

Resolution 14:

Mr. O'Neal, of Lauderdale, offered the following amendment to resolution 14:

Amend by adding to resolution number 14 at the end thereof the following: "With the duties of the adoption of such Constitution, and the last statutes of the State of Massachusetts in reference to Suffrage and Elections.

The amendment was accepted by the committee.

Resolution 14:

Mr. Cunningham offered the following amendment to resolution 14:

Amend by adding to such of the Constitution of the United States as relates to Suffrage and Elections.

The amendment was accepted by the committee.

Resolution 11:

Mr. Jones, of Montgomery, offered the following amendment to resolution 11: "Amend resolution 11 by striking out the words 'one o'clock p. m.' and inserting in lieu thereof the words 'at will.'"

The amendment was lost.

Resolution 11:

Mr. Kirk offered the following amendment to resolution 11:

Amend by striking out the words "one o'clock p. m." and inserting in lieu thereof the words "two o'clock p. m."

The amendment was lost.

The report of the committee, as amended, was adopted.

## MEMORIALS.

The President laid before the Convention a memorial from Booker T. Washington, as chairman of a special committee, in behalf of the negro race.

## ADJOURNMENT.

On motion of Mr. Greer, of Calhoun, the Convention adjourned until to-morrow morning at 10 o'clock.

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EIGHTH DAY.

## CONVENTION HALL.

Montgomery, Ala., Thursday, May 30, 1901.

The Convention met pursuant to adjournment.

Prayer was offered by Rev. Neal Anderson of the city.

## ROLL CALL.

On a call of the roll of the Convention the following delegates answered to their names, which constituted a quorum:

Messrs. President,  
Almon,  
Altman,  
Ashcraft,  
Banks,  
Barefield,  
Bartlett,  
Beavers,  
Beddow,  
Bethune,  
Blackwell,  
Boone,  
Brooks,

Browne,  
Bulger,  
Burns,  
Byars,  
Cardon,  
Carmichael (Colbert),  
Carmichael (Coffee),  
Carnathon,  
Case,  
Chapman,  
Cobb,  
Cofer,  
Coleman (Greene),  
Coleman (Walker),

Craig,  
Cunningham,  
Davis (DeKalb),  
deGraffenried,  
Duke,  
Eyster,  
Espy,  
Fletcher,  
Foshee,  
Foster,  
Freeman,  
Gilmore,  
Glover,  
Graham (Talladega),  
Grant,  
Grayson,  
Greer (Calhoun),  
Greer (Marion),  
Haley,  
Handley,  
Hefflin (Chambers),  
Hefflin (Randolph),  
Henderson,  
Hinson,  
Hodges,  
Hood,  
Howell,  
Howze,  
Inge,  
Jackson,  
Jenkins,  
Jones (Bibb),  
Jones (Hale),  
Jones (Montgomery),  
Jones (Wilcox),  
Kirk,  
Kirkland,  
Knight,  
Kyle,  
Ledbetter,  
Leigh,  
Locklin,

Long (Butler),  
Lowe (Lawrence),  
Macdonald,  
McMillan (Baldwin),  
McMillan (Wilcox),  
Malone,  
Martin,  
Maxwell,  
Merrill,  
Miller (Marengo),  
Miller (Wilcox),  
Moody,  
Morrisette,  
Mulkey,  
Murphree,  
NeSmith,  
Norman,  
Norwood,  
Oates,  
O'Neal (Lauderdale),  
O'Neill (Jefferson),  
Opp,  
O'Rear,  
Palmer,  
Parker (Cullman),  
Parker (Elmore),  
Pearce,  
Pettus,  
Pillans,  
Porter,  
Proctor,  
Reese,  
Reynolds (Chilton),  
Reynolds (Henry),  
Robinson,  
Rogers (Lowndes),  
Rogers (Sumter),  
Samford,  
Sanders,  
Sanford,  
Searcy,

Selheimer,	Walker,
Sentell,	Watts,
Sloan,	Weakley,
Smith (Mobile),	Weatherly,
Smith, Mac. A.,	White,
Smith, Morgan M.,	Whiteside,
Sollie,	Willett,
Sorrell,	Williams (Barbour),
Spears,	Williams (Marengo).
Spragins,	Williams (Elmore),
Stewart,	Wilson (Clarke),
Tayloe,	Wilson (Washington).
Vaughan,	Winn.
Waddell,	

## LEAVES OF ABSENCE.

Was granted to Messrs. Burnett, indefinitely; King, of Marengo, until Tuesday; Graham, of Montgomery, for to-day.

## ANNOUNCEMENT OF PLACES OF COMMITTEE MEETINGS.

Mr. Coleman, of Greene, announced the hour and place of the committee meetings as follows:

Suffrage, 9 a. m., Senate Chamber.

Education, 4 to 5 p. m., Supreme Court room at call of the chairman.

Legislative Department, 3 to 4 p. m., 22½ South Perry street.

Taxation, 5 p. m., Supreme Court library.

Corporations, 4 p. m., Senate Chamber.

Local Legislation, 8 p. m., Supreme Court library, at the call of the chairman.

Executive, 4 p. m., 16 Perry street.

Municipal Corporations, 8 p. m., place to be selected.

Judiciary, 5:30 p. m., Graham & Steiner's office.

Banking, room 5, Merchant's Hotel; call of chairman.

Exemptions, 4:30 p. m., House Representatives; call of the chairman.

State and County Boundaries, 8 p. m., Senate Chamber, at the call of the chairman.

Impeachments, at the call of the chairman.

Amending Constitution, 1 p. m., Supreme Court room, at the call of the chairman.

Schedule and Printing, 9:30 a. m., House of Representatives.

THOMAS W. COLEMAN, *Chairman*.

Mr. Sanford announced that the Committee on Municipal Corporations would meet in the law office of Hon. John W. A. Sanford, Jr., corner Perry and Dexter avenue.

Mr. Watts offered an amendment to the report of Committee meetings as follows:

"The Committee on Local Legislation will meet at 8 p. m. at the office of Watts, Troy & Caffey."

The amendment was accepted by the committee.

#### STENOGRAPHIC REPORT.

Mr. Howell offered the following resolution, and the rules were suspended and the resolution was adopted:

Resolution 60, by Mr. Howell:

Whereas, some errors have been found in the official reports of the published proceedings of this Convention, and in order that these errors in future may be corrected.

Be it therefore resolved, That the stenographer is hereby directed each day to correct any error which may have been made in reporting the proceedings on the preceding day, under the appropriate head.

Mr. Ferguson called the attention of the Convention to a mistake in the stenographic report of the proceedings of yesterday, as follows:

Resolution 45:

The stenographic reports reads:

Second—The inability to read and write is not a test of *good* citizenship.

The resolution read and still reads: "Is not a test of *bad* citizenship."

#### REPORT OF THE COMMITTEE ON JOURNAL.

The chairman of the Committee on the Journal submitted the following report:

The Committee on the Journal beg leave to report that they have examined the Journal for the seventh day of the Convention, and that the same is correct.

Respectfully submitted,

JOHN F. PROCTOR, *Chairman.*

The report of the committee was concurred in.

Mr. Greer, of Calhoun, moved that the reading of the Journal be dispensed with and that the same be approved. The motion prevailed.

RECOMMITTAL OF ORDINANCES.

Mr. Graham, of Talladega, returned to the Convention Ordinance 50,

Ordinance 50:

To amend Section 3 of Article VIII of the present Constitution.

And requested that the same be re-referred to the Committee on Suffrage and Election.

The ordinance was so referred.

Mr. Fletcher moved to recall from the Committee on Taxation

Ordinance 89:

To amend Section 7, Article XI of the present Constitution in regard to the taxation of municipal corporations.

And to refer same to the Committee on Municipal Corporations.

The motion prevailed, and the ordinance was so referred.

ORDINANCES ON FIRST READING.

The following ordinances were introduced, severally read one time at length, and referred to appropriate committees as follows:

Ordinance 106, by Mr. Jackson:

To readopt Section 10 of Article XIII of the Constitution of 1875 relating to the removal of the State University or the Agricultural and Mechanical College.

The ordinance was referred to the Committee on Education.

Ordinance 107, by Mr. Jones, of Montgomery:

An ordinance to amend Sections 9 and 10 of Article XIII of the Constitution.

The ordinance was referred to the Committee on Education.

Ordinance 108, by Mr. Jones, of Montgomery:

An ordinance to amend Section 21 of Article VI.

The ordinance was referred to the Committee on Judiciary.

Ordinance 109, by Mr. Jones, of Montgomery:

An ordinance to amend Section 14 of Article V of the Constitution.

The ordinance was referred to the Committee on Executive Department.

Ordinance 110, by Mr. Jones, of Montgomery:

An ordinance to provide for the safe and productive use of surplus public funds in the treasury.

The ordinance was referred to the Committee on Banks and Banking.

Ordinance 111, by Mr. Jones, of Wilcox:

An ordinance to amend Article IX of the Constitution on representation.

The ordinance was referred to the Committee on Representation.

Ordinance No. 112, by Mr. Kirk:

An ordinance to amend Sections 3, 5 and 9 of Article IV of the Constitution. (Relates to Legislative Department.)

The ordinance was referred to the Committee on Legislative Department.

Ordinance 113, by Mr. Kirkland:

An ordinance to amend Section 2 of Article II of the Constitution of the State of Alabama.

The ordinance was referred to the Committee on State and County Boundaries.

Ordinance 114, by Mr. Kirkland, of Dale:

An ordinance to establish a Railroad Commission for the State of Alabama.

The ordinance was referred to the Committee on Corporations.

Ordinance 115, by Mr. Kirkland, of Dale:

An ordinance to amend Section 6 of Article IV of the present Constitution.

The ordinance was referred to the Committee on Legislative Department.

Ordinance 116, by Mr. Kirkland, of Dale:

Be it ordained by the people in Convention assembled:

That members of the General Assembly, Presidential Electors, witnesses before any court, and others who may be entitled to draw mileage, as compensation in part for their services, shall be allowed the sum of three cents per mile, each way, and no more, to be computed by the route most usually traveled.

The ordinance was referred to the Committee on Judiciary.

Ordinance 117, by Mr. Kirkland, of Dale:

An ordinance to amend Section 5 of Article IV of the present Constitution of Alabama.

The ordinance was referred to the Committee on Legislative Department.

Ordinance 118, by Mr. Kirkland, of Dale:

An ordinance to amend Section 16 of Article V of the present Constitution.

The ordinance was referred to the Committee on Executive Department.

Ordinance 119, by Mr. Locklin, of Monroe:

An ordinance that the qualifications for electors in this State shall be the same as prescribed in Article VIII of the present Constitution.

The ordinance was referred to the Committee on Suffrage and Elections.

Ordinance No. 120, by Mr. Macdonald:

An ordinance to amend Section 7 of Article XI of the Constitution.

The ordinance was referred to the Committee on Corporations.

Ordinance No. 121, by Mr. Macdonald:

An ordinance to amend Section 3 of Article XIV of the Constitution.

The ordinance was referred to the Committee on Corporations.



Ordinance No. 122, by Mr. McMillan, of Wilcox:  
(Relates to the formation of the new counties).

Be it ordained by the people of Alabama, in Convention assembled, that no act of the General Assembly creating or forming new counties shall become a law until the same shall have been submitted to the qualified electors residing within the boundaries of the county to be formed, and must be approved by a majority of such electors voting on same, and such act shall specify the proposed boundaries.

The ordinance was referred to the Committee on State and County Boundaries.

Ordinance No. 123, by Mr. McMillan, of Wilcox:  
(Relating to the removal of county sites.)

Be it ordained by the people of Alabama, in Convention assembled, that no act of the General Assembly changing the county site of any county shall become a law until the same shall have been submitted to the qualified electors of the county at an election, and approved by a majority of such electors voting on same, and such act shall specify the proposed new location.

The ordinance was referred to the Committee on State and County Boundaries.

Ordinance No. 124, by Mr. Maxwell:

An ordinance to repeal Section 8 of Article XI of the Constitution of Alabama.

The ordinance was referred to the Committee on Taxation.

Ordinance No. 125, by Mr. Maxwell:

An ordinance to amend Section 1 of Article VII of the Constitution of Alabama.

The ordinance was referred to the Committee on Impeachment.

Ordinance No. 126, by Mr. Maxwell:

An ordinance to create the office of Lieutenant Governor of Alabama, and to define the qualifications and duties of such officer.

The ordinance was referred to the Committee on Executive Department.

Ordinance No. 127, by Mr. Maxwell:

An ordinance to amend Section 8 of Article IV of the Constitution of Alabama.

The ordinance was referred to the Committee on Legislative Department.

Ordinance No. 128, by Mr. A. H. Merrill, of Barbour:

An ordinance to declare the status of married women.

The ordinance was referred to the Committee on Judiciary.

Ordinance No. 129, by Mr. Miller, of Wilcox:

An ordinance to amend Section 8 of Article IV of the Constitution as to the election of President of Senate and Speaker of the House.

The ordinance was referred to the Committee on Legislative Department.

Ordinance No. 130, by Mr. J. T. Ashcraft:

An ordinance to alter and amend Article XIII of the present Constitution, relating to Education.

The ordinance was referred to the Committee on Education.

Ordinance 131, by Mr. Murphree:

Amending Section 47, Article IV, of the Constitution, referring to duelling, concealed pistols and other deadly weapons.

The ordinance was referred to the Committee on Legislative Department.

Ordinance 132, by Mr. Murphree:

Amending Section 23, Article XIV, of the Constitution of Alabama, referring to free transportation from railroad companies.

The ordinance was referred to the Committee on Corporations.

Ordinance No. 133, by Mr. Murphree:

Addition to the Article XIV of the Constitution of Alabama, relating to freight and passenger tariff rates.

The ordinance was referred to the Committee on Corporations.

Ordinance 134, by Mr. Murphree:

Amending Section 5, Article V of the Constitution of the State of Alabama, relating to the election of State officers.

The ordinance was referred to the Committee on Executive Department.

Ordinance 135, by Mr. NeSmith:

To amend Article IV of the Constitution of Alabama, relating to legislation.

The ordinance was referred to the Committee on Legislative Department.

Ordinance No. 136, by Mr. Oates:

To amend Article XI of the Constitution of the State by adding thereto another Section, relating to the removal of county seats.

The ordinance was referred to the Committee on State and County Boundaries.

Ordinance 137, by Mr. Oates:

To amend Article IV, Sections 1 and 2 of the Constitution, referring to elections.

The ordinance was referred to the Committee on Legislative Department.

Ordinance No. 138, by Mr. Oates:

To preserve the purity of the ballot.

The ordinance was referred to the Committee on Suffrage and Elections.

Ordinance No. 139, by Mr. Oates:

For the abolition of the Chancery Court.

The ordinance was referred to the Committee on Judiciary.

Ordinance No. 140, by Mr. Oates:

An ordinance to authorize the Governor, with the advice and consent of the Senate, to appoint and remove for cause the Attorney General.

The ordinance was referred to the Committee on Executive Department.

Ordinance 141, by Mr. Oates:

An ordinance proposing certain prohibitions and restrictions upon the power of the Legislature.

The ordinance was referred to the Committee on Legislative Department.

Ordinance 142, by Mr. Oates:

An ordinance to regulate and define the powers of legislation, touching local and special laws.

The ordinance was referred to the Committee on Legislative Department.

Ordinance 143, by Mr. O'Neal, of Lauderdale:

Prohibiting the grant by any city, town or other municipality of any franchise or privilege; or the making of any contract in reference thereto, for a term exceeding twenty years, and requiring such grants to be made at public auction to the highest bidder.

The ordinance was referred to the Committee on Municipal Corporations.

Ordinance 144, by Mr. O'Neal, of Lauderdale:

To amend Sections of Article XI of the Constitution of Alabama, referring to taxation.

The ordinance was referred to the Committee on Taxation.

Ordinance 145, by Mr. O'Neal, of Lauderdale:

To amend Section 5, of Article XI of the Constitution of Alabama, relating to the debt of the State.

The ordinance was referred to the Committee on Taxation.

Ordinance 146, by Mr. O'Neal, of Jefferson:

To amend Article XIII of the Constitution, in relation to education.

The ordinance was referred to the Committee on Education.

Ordinance 147, by Mr. Williams, of Marengo:

To regulate the powers of Corporations to engage in business.

The ordinance was referred to the Committee on Corporations.

Ordinance No. 148, by Mr. Williams, of Marengo:

To prohibit the State of Alabama from engaging in certain business.

The ordinance was referred to the Committee on Judiciary.

Ordinance 149, by Mr. Williams, of Marengo:

To provide for jury trials in certain cases.

The ordinance was referred to the Committee on Judiciary.

Ordinance 150, by Mr. Parker, of Cullman:

An ordinance to amend Article 2 of the Constitution by adding Section 3 thereto, requiring a two-thirds vote to remove a county site.

The ordinance was referred to the Committee on State and County Boundaries.

Ordinance 151, by Mr. Pearce:

To amend Section 4 of Article XI of the present Constitution.

The ordinance was referred to the Committee on Taxation.

Ordinance 152, by Mr. Pettus:

To disfranchise negroes and persons of African descent in the State of Alabama.

The ordinance was referred to the Committee on Suffrage and Elections.

Ordinance 153, by Mr. Pillans:

To amend Article VI of the Constitution of Alabama. Relates to the Judicial establishment.

The ordinance was referred to the Committee on Judiciary.

Ordinance 154, by Mr. Pillans:

An ordinance to amend Article V of Section 12 of the Constitution of the State of Alabama, which relates to pardons.

The ordinance was referred to the Committee on Executive Department.

Ordinance No. 155, by Mr. Reese, of Dallas:

An ordinance to provide for the election of officers discharging the duties of Railroad Commissioners and Convict Inspectors.

The ordinance was referred to the Committee on Corporations.

Ordinance 156, by Mr. Reese:

To constitute a part of Article V of the Constitution. (Executive Department.)

The ordinance was referred to the Committee on Executive Department.

Ordinance 157, by Mr. Watts:

To amend Sections 1 and 2, and make a new section 3 for Article VI.

The ordinance was referred to the Committee on Judiciary.

Ordinance 158, by Mr. Watts:

To amend Sections 12, 13, 15, 25 and 26 of Article V.

The ordinance was referred to the Committee on Executive Department.

Ordinance 159, by Mr. Watts:

To amend Sections 13, 15, 17, 27, 31, 39, 52 and 56, of Article IV, and to add a section to said article.

The ordinance was referred to the Committee on Legislative Department.

Ordinance 160, by Mr. Robinson, of Chambers:

To amend Section 32, Article IV, of the Constitution, pertaining to the Legislative Department.

The ordinance was referred to the Committee on Legislative Department.

Ordinance 161, by Mr. Robinson, of Chambers:

To amend Section 6 of Article XIII of the Constitution, relating to Education.

The ordinance was referred to the Committee on Education.

Ordinance 162, by Mr. W. H. Samford:

To provide for the distribution of school funds.

The ordinance was referred to the Committee on Education.

#### RESOLUTIONS.

The following resolution was introduced, and read one time at length:

Resolution 61, by Mr. Jackson:

Resolved, That the respective committees in charge of the different subjects to be dealt with by this Convention be instructed to adhere to, and this Convention pledges itself to the following purposes:

First—That suffrage shall be so regulated as not to conflict with the Constitution of the United States.

Second—That the rate of taxation by State, counties and municipalities shall not exceed the limit fixed by the present Constitution of the State.

Third—That the qualifications for suffrage shall be so framed as not to deprive any white man of the right to vote, except for conviction of infamous crime.

Fourth—That the provisions of the present Constitution relating to exemptions of real and personal property shall remain unchanged.

Fifth—That the State Capitol shall remain at Montgomery, and that no power or authority be granted by this Constitution or any Legislature to provide for its removal.

Sixth—That the rights and privileges conferred by the present Constitution upon corporations shall not be enlarged.

Mr. Jackson moved that the rules be suspended, and that the resolution be adopted.

The motion was lost.

Resolution 61;

The resolution was referred to the Committee on Rules.

The following resolutions were introduced, read one time at length, and referred to appropriate committees, as follows:

Resolution 62, by Mr. Jenkins:

Refers to State Colleges and Institutions.

Resolved, That a committee be raised, to consist of fifteen members, to be appointed by the President, to take into consideration all matters pertaining to the University of Alabama, the Girls' Industrial School for white girls, the Alabama Polytechnic Institute, and other State Colleges and Institutions of learning. Said committee to be styled and called the Committee on State Colleges and Institutions.

The resolution was referred to the Committee on Rules.

Resolution 63, by Mr. Jones, of Bibb:

Refers to representation.

First—Be it resolved that representation in the lower house of the General Assembly of this State shall be based on the entire population of Alabama, and that no county have less than one representative, to be elected by the legal voters of this State every four years.

Second—That the Senate of Alabama shall be composed of a member from each county, to be elected every four years, by the qualified electors of this State.

The resolution was referred to the Committee on Representation.

Resolution 64, by Mr. Jones, of Bibb:

Relates to Suffrage.

Be it resolved, that no man of foreign birth be entitled to the rights of suffrage in the State of Alabama, until he has become a bona fide citizen of the United States under the provisions of the revised statutes of the United States.

The resolution was referred to the Committee on Suffrage and Elections.

Resolution 65, by Mr. Jones, of Montgomery:

Resolved, that a special committee of nine be raised to take into consideration and report whether any, and so, what, class of public officers be allowed to use free passes, and under what circumstances; and whether any, and if so, what classes, of public officers should be permitted the benefit of special rates; and if so, to what extent; and what alteration or amendment is advisable in the scope of the present provisions of the Constitution on the subject, or the mode of their enforcement.

The resolution was referred to the Committee on Rules.

Resolution 66, by Mr. Jones, of Montgomery:

Resolved, That provision should be made in the Article on the Executive Department, constituting a Board of Arbitration for the arbitration and settlement of disputes between employers and employes.

The resolution was referred to the Committee on Executive Department.

Resolution 67, by Mr. Jones, of Montgomery:

First—That the fundamental principles of justice and free government are violated, when the benefits the citizen derives from money raised by taxation, are ascertained and measured according to the poverty or riches of the class or race to which he belongs, or the proportionate amount of taxes paid by such race or class.

Second—That it is not within the power of the State, under the Constitution of the United States, to raise money by taxation for school purposes, and provide that the children of any race or class shall receive the benefit only of the amount of money derived from the



taxes on the property of the race or class to which they belong.

The resolution was referred to the Committee on Judiciary.

Resolution 68, by Mr. Kirkland:

Be it resolved by the people of the State of Alabama, in Convention assembled:

That the General Assembly of Alabama shall have the power and it shall be their duty, to pass such laws, the violation of which shall be punished by imprisonment in the penitentiary, as shall effectually prevent the business or profession of lobbying with the members thereof for any purpose.

The resolution was referred to the Committee on Legislative Department.

Resolution 69, by Mr. Sanders:

A resolution as to the sense of this Convention touching Suffrage Reform in Alabama.

Resolved, First—That it is the sense of this Convention that the suffrage reform demanded by the conditions prevailing in Alabama, and promised to the people of this State by this Convention, can be best accomplished in the recognition of the principles involved in the exception clause; in the suffrage provisions of the Constitutions of the States of Louisiana and North Carolina.

Second—That in justice to the white race of the State, and in order to avoid the paralysis which would result in withdrawing from the youths of Alabama all stimulus to qualify themselves for the discharge of the privileges, duties and obligations of an elector, some limit should be fixed, at the expiration of which all white males in this State, thereafter to arrive at the voting age, shall possess the general qualifications which may be prescribed by this Convention for the exercise of the elective franchise.

The resolution was referred to the Committee on Suffrage and Elections.

Resolution 70, by Mr. Malone:

Fixing the time for holding the general elections.

Be it resolved that the General Election shall be held on the first Tuesday in November of the even numbered years, unless the General Assembly shall change the time of holding elections.

The resolution was referred to the Committee on Suffrage and Elections.

Resolution 71, by Mr. O'Neal, of Lauderdale:

To adopt the present Constitution of the State of Alabama, by this Convention, subject to such revisions and amendments in any article, section, or part thereof, as this Convention may hereafter determine.

That whereas the act of the General Assembly of Alabama, which provides for the holding of this Convention, declares that this Convention shall continue in session until it shall by careful revisions and amendments of the present Constitution frame and adopt a revised Constitution for this State.

Therefore, be it resolved, That the present Constitution of the State of Alabama be and the same is hereby adopted by this Convention as the Constitution of the State of Alabama, subject only to be revised, amended or altered in any article, section, clause or part thereof.

The resolution was referred to the Committee on Rules.

Resolution 72, by Mr. Browne:

Be it resolved, That upon the request of the chairman of any committee having no clerk, the chairman of any committee having a clerk may direct the clerk of his committee to serve such first named committee, when not engaged with the committee to which he has been assigned.

Resolution 72:

Mr. Browne moved that the rules be suspended and that the resolution be adopted.

The motion prevailed, and the resolution was adopted.

Resolution 73, by Mr. Williams, of Marengo:

Be it resolved that when this Convention adjourn on next Friday, such adjournment shall be to Monday.

The resolution was referred to the Committee on Rules.

Resolution 74, by Mr. Parker, of Cullman:

To provide for a clerk of the Committee on Local Legislation.

Resolved, That the chairman of the Committee on Local Legislation be authorized to employ a clerk for said Committee, said clerk to receive the same fees as clerks of other committees of this Convention.

The resolution was referred to the Committee on Rules.

Resolution 75, by Mr. Parker, of Elmore:

Whereas, the General Assembly passed an act, approved March 4th, 1901, entitled "An Act to Provide for the Annexation of West Florida to the State of Alabama," with the consent of the State of Florida and the Congress of the United States; and whereas, the Governor of Alabama has, in pursuance of said act, appointed as commissioners on the part of Alabama Hons. William L. Martin, Richard C. Jones and Samuel Blackwell, to confer with a like commission on the part of the State of Florida, which commission is empowered to do and perform all acts necessary and requisite to perfect an agreement for the cession of said territory to the State of Alabama, to be ratified and confirmed by the Legislature of Alabama, and approved by the Governor;

Now, therefore, be it resolved, that this Convention hereby ratifies and endorses the purposes of said act, and the appointment of said commission;

Resolved further, that we approve of the annexation of the territory described in said act, to the State of Alabama in the manner set forth therein;

Resolved further, that we commend the distinguished commission on the part of Alabama to painstaking and patriotic effort in consummating liberal terms for the cession of said territory, and recommend such other action by the Legislature of Alabama, and the Congress of the United States as may be necessary.

The resolution was referred to the Committee on State and County Boundaries.

Resolution 76, by Mr. Proctor:

Resolved, That the reading each day of the Journal of this Convention be dispensed with unless the same is demanded by the Convention.

The resolution was referred to the Committee on Rules.

Resolution 77, by Mr. Proctor:

Resolved, That the Committee on the Journal shall be entitled to a clerk, to be appointed by the chairman, who shall receive the same per diem as clerks of the other committees.

Resolved further, that said clerk shall, when not engaged with said committee, serve any other committee that may need a clerk, or serve the Secretary of this Convention when so required by him.

The resolution was referred to the Committee on Rules.

Resolution 78, by Mr. Reese:

To reform judicial administration of the Justice of the Peace system.

Resolved, That the Committee on Judiciary Department be and are hereby instructed to investigate and report to this Convention what Constitutional provisions are necessary or expedient for the reform in judicial administration by the Justice of the Peace system, and whether the same should be abolished or modified.

The resolution was referred to the Committee on Judiciary.

Resolution 79, by Mr. Reese:

Resolved, That the Committee on Judicial Department are hereby instructed to embody in its report a provision fixing the salaries of Justices of the Supreme Court at such sum (not less than \$5,000 per annum) as will enable the State to obtain its best legal talent for this important tribunal.

The resolution was referred to the Committee on Judiciary.

Resolution 80, by Mr. Reese:

Resolved, That Rule 27 be and is hereby amended as follows: By adding at the end thereof the following words:

"Provided, That any vote taken on the last day of the session of this Convention may be reconsidered on the same day."

The resolution was referred to the Committee on Rules.

Resolution 81, by Mr. Rogers, of Sumter:

Resolved, That it is the sense of this Convention that any further reference by "resolution" to the ante-election pledge of the "Democratic Platform" is not only unnecessary, but is bad taste. The people of Alabama expect, as a matter of course, that the Democratic party will now, as heretofore, keep its promises to them.

Mr. Rogers, of Sumter, moved that the rules be suspended and that the resolution be adopted.

Mr. Reese moved that the resolution be referred to the Committee on Rules.

Mr. Rogers, of Sumter, moved to table the motion of Mr. Reese, and the motion to table prevailed.

Mr. Reese moved to indefinitely postpone the further consideration of the resolution 81.

Resolution 81:

Mr. Rogers, of Sumter, moved to table the motion of Mr. Reese to indefinitely postpone, and the motion prevailed.

The question recurred upon the motion to suspend the rules and adopt the resolution.

Resolution 81.

The motion prevailed and the rules were suspended and the resolution adopted.

Resolution 82, by Mr. Oates:

Resolved, That the present Constitution shall be the basis for action by this Convention, and all of its provisions which are not abrogated by repeal nor amended shall be and remain parts of the new Constitution.

The resolution was referred to the Committee on Rules.

#### ADJOURNMENT.

The hour of 1 o'clock p. m. having arrived, under the rules the Convention stood adjourned until 10 o'clock to-morrow morning.

NINTH DAY.

CONVENTION HALL,

Montgomery, Ala., Friday, May 31, 1901.

The Convention met pursuant to adjournment.

Prayer was offered by Rev. Neal Anderson of the city.

ROLL CALL.

Mr. deGraffenried asked unanimous consent to have the roll call, from this day forward, dispensed with.

An objection was interposed.

Mr. de Graffenried moved that the rules be suspended and that in future the roll call be dispensed with.

Mr. Bulger arose to debate the question.

Mr. Willett raised the point of order that the question was not debatable.

The point of order was sustained.

Mr. Beddow moved to table the motion of Mr. deGraffenried to suspend the rules.

The motion was ruled out of order.

The question recurred upon the motion of Mr. deGraffenried to suspend the rules.

The motion was lost.

On a call of the roll of the Convention the following delegates answered to their names, which constituted a quorum:

Messrs. President,  
Almon,  
Altman,  
Ashcraft,  
Banks,  
Barefield,  
Beavers,  
Beddow,  
Bethune,

Blackwell,  
Boone,  
Brooks,  
Browne,  
Bulger,  
Burns,  
Byars,  
Cardon,  
Carmichael (Colbert),

Carmichael (Coffee),	Jackson,
Carnathon,	Jenkins,
Case,	Jones (Bibb),
Chapman,	Jones (Wilcox),
Cobb,	King,
Cofer,	Kirk,
Coleman (Greene),	Kirkland,
Coleman (Walker),	Knight,
Cornwell,	Kyle,
Craig,	Ledbetter,
Cunningham,	Leigh,
Davis (DeKalb),	Locklin,
Dent,	Long (Butler),
deGraffenried,	Long (Walker),
Duke,	Lowe (Lawrence),
Eley,	Macdonald,
Eyster,	McMillan (Baldwin),
Espy,	McMillan (Wilcox),
Ferguson,	Malone,
Fletcher,	Martin,
Foshee,	Maxwell,
Foster,	Merrill,
Freeman,	Miller (Marengo),
Gilmore,	Miller (Wilcox),
Glover,	Moody,
Graham (Montgomery),	Morrisette,
Graham (Talladega),	Mulkey,
Grant,	Murphree,
Grayson,	NeSmith,
Greer (Calhoun),	Norman,
Haley,	Norwood,
Handley,	Oates,
Heflin (Chambers),	O'Neal (Lauderdale),
Heflin (Randolph),	O'Neill (Jefferson),
Henderson,	Opp,
Hinson,	O'Rear,
Hodges,	Palmer,
Hood,	Parker (Cullman),
Howell,	Pearce,
Howze,	Pettus,
Inge,	Phillips,

Pillans,	Spragins,
Porter,	Stewart,
Procter,	Studdard,
Reese,	Tayloe,
Reynolds (Chilton),	Vaughan,
Robinson,	Waddell,
Rogers (Lowndes),	Walker,
Rogers (Sumter),	Watts,
Samford,	Weakley,
Sanders,	Weatherly,
Sanford,	White,
Selheimer,	Whiteside,
Sentell,	Willetts,
Sloan,	Williams (Barbour),
Smith (Mobile),	Williams (Marengo),
Smith, Mac. A.,	Williams (Elmore),
Smith, Morgan M.,	Wilson (Clarke),
Sollie,	Wilson (Washington).
Sorrell,	Winn—139.
Spears,	

#### REPORT OF THE COMMITTEE ON JOURNAL.

The chairman of the Committee on the Journal submitted the following report:

Report of the Committee on the Journal:

The Committee on the Journal beg leave to report that they have examined the Journal for the eighth day of the Convention, and that the same is correct.

Respectfully submitted,

JOHN F. PROCTOR, *Chairman.*

The report was concurred in.

On motion of Mr. Boone, the reading of the Journal was dispensed with, and the same was approved.

#### LEAVE OF ABSENCE

Was granted to Messrs. Kirkland for to-day and to-morrow; Searcy, for to-day and to-morrow; Kyle, for to-morrow; Porter, for to-day and Monday; Miller, of Marengo, for to-day, Monday and Tuesday; Jackson, for this afternoon; Reynolds, of Henry, for to-day and to-



morrow; Gilmore, for to-day and to-morrow; McMillan, of Baldwin, for Monday; Freeman, for Monday; Cobb, for Monday; Stewart, for Monday; Maxwell, for Monday; Williams, of Marengo, for Monday; Greer, of Calhoun, indefinitely; Lowe, of Lawrence, for Monday; Mulkey, for Monday and Tuesday; Jones, of Montgomery, for to-day; Greer, of Perry, for Monday; Grant, for Monday, Tuesday and Wednesday; Inge, for Monday and Tuesday, until 12 m.; Williams, of Elmore, for Monday.

#### ADJOURNMENT.

Mr. Browne moved that when the Convention adjourn to-day that it adjourn to meet Monday at 12 m.

The motion prevailed.

#### RECONSIDERATION.

Mr. Grayson moved that the vote by which the motion of Mr. Browne, fixing the time of adjournment for to-day, be reconsidered.

Mr. Willett raised the point of order that the motion of Mr. Grayson was out of order, in that a motion to adjourn could not be reconsidered.

The point of order was sustained.

#### REPORT OF THE COMMITTEE ON RULES.

Mr. Smith, of Mobile, acting chairman of the Committee on Rules, submitted the following report:

The Committee on Rules begs to report to the Convention that it has had under consideration the resolutions hereinafter mentioned, and reports thereon as follows:

The committee reports favorably upon resolution number 41, introduced by Mr. Altman, of Sumter, and recommends its adoption by the Convention.

Said resolution reads as follows:

Be it resolved, That three hundred copies of the Bill of Rights and Constitution be printed and distributed among the members of the Convention and committees.

The committee reports favorably to resolution number 34, introduced by Mr. Reese, of Dallas, and recom-

mends its adoption by the Convention, which resolution reads as follows:

Resolved, That for the purpose, of easy reference, the Rules Committee, or such other committee as shall have supervision of the printing of the records of the proceedings, shall cause the pages constituting such record, to be numbered consecutively in the same manner as now practiced in the Congressional Record of the Congress.

The committee reports favorably to resolution number 71, introduced by Mr. O'Neal, of Lauderdale, and recommends its adoption by the Convention, which resolution reads as follows:

A resolution to adopt the present Constitution of the State of Alabama by this Convention, subject to such revision and amendments in any article, section or part thereof as this Convention may hereafter determine.

That whereas the act of the General Assembly of Alabama, which provides for the holding of this Convention, declares that this Convention shall continue in session until it shall, by careful revision and amendments of the present Constitution, frame and adopt a revised Constitution for this State.

Therefore, be it resolved, That the present Constitution of the State of Alabama be and the same is hereby adopted by this Convention as the Constitution of the State of Alabama, subject only to be revised, amended or altered, in any article, section, clause or part thereof.

The committee reports adversely to resolution number 82, introduced by Mr. Oates, of Montgomery, and recommends that it be not adopted by the Convention, because the operation of the resolution of Mr. Oates is identical with the operation of resolution number 71, by Mr. O'Neal, of Lauderdale, hereinabove reported favorably, and the committee reports adversely to this resolution only for the reason that its subject matter is fully covered by the resolution of Mr. O'Neal. Said resolution number 82, introduced by Mr. Oates, reads as follows:

Resolved, That the present Constitution shall be the basis for action by this Convention, and all its provisions which are not abrogated by repeal nor amended shall be and remain parts of the new Constitution.

The committee reports favorably to resolution number 76, introduced by Mr. Proctor of Jackson, and recommends its adoption by the Convention. Said resolution reads as follows:

Resolved, That the reading each day of the Journal of this Convention be dispensed with, unless the same is demanded by the Convention.

The committee reports favorably to resolution number 80, introduced by Mr. Reese, of Dallas, and recommends its adoption by the Convention. Said resolution reads as follows:

Resolved, That rule 27 be and is hereby amended as follows: By adding at the end thereof the following words:

"Provided, That any vote taken on the last day of the session of this Convention may be reconsidered on same day."

The committee reports adversely to resolution number 50, introduced by Mr. Henderson, of Pike, and recommends that it be not adopted by the Convention, for the reason that resolution No. 41, introduced by Mr. Altman, of Sumter, covers the same matter, and has been favorably reported.

Said resolution reads as follows:

Resolved, That five hundred copies of the present Constitution be printed for the use of members of this Convention.

The said resolutions hereinabove referred to are herewith returned to the Convention.

Mr. Wilson, of Clarke, offered as a substitute for resolution 71, reported favorably in the above and foregoing report of the Committee on Rules, the following:

Resolved by the Convention, That each committee report to the Convention the article or sections of the present Constitution, which it is appropriate for said committee to consider, and as to which no amendment has been proposed, and which, in the judgment of the committee having charge of the article or sections, should not be amended.

Mr. Carmichael, of Colbert, offered an amendment to the substitute offered by Mr. Wilson, of Clarke, as follows:

Resolved, That the Committee on Order and Harmony of the Constitution be directed to report back to the Convention when they make final report, such parts of the old Constitution as have not been amended by proposed ordinances, as a part of the proposed new Constitution.

The substitute and amendment, after discussion pro and con by the various delegates, were, by consent, withdrawn.

Mr. Pillans offered the following substitute for resolution number 71, reported favorably in the above and foregoing report of the Committee on Rules :

Resolved, That it is the sense of this Convention that all ordinances hereafter offered shall be confined to the statement of the new matter offered, without the unnecessary repetition of the existing Constitution.

The substitute offered by Mr. Pillans was accepted by the chairman of the Committee on Rules.

“Resolution 71, by Mr. O’Neal, of Lauderdale:

To adopt the present Constitution of the State of Alabama by this Convention, subject to such revisions and amendments in any article, section or part thereof, as this Convention may hereafter determine.

That whereas the act of the General Assembly of Alabama, which provided for the holding of this Convention, declares that this Convention shall continue in session until it shall by careful revisions and amendments of the present Constitution, frame and adopt a revised Constitution for this State.

Therefore, be it resolved, That the present Constitution of the State of Alabama be and the same is hereby adopted by this Convention as the Constitution of the State of Alabama, subject only to be revised, amended or altered in any article, section, clause or part thereof.”

And the substitute offered by Mr. Pillans be recommitted to the Committee on Rules.

Resolution 71:

The motion prevailed, and the resolution 71 and substitute were recommitted to the Committee on Rules.

Mr. O’Neal moved that the report of the Committee on Rules, with the exception of resolution 71, be adopted.

The resolution prevailed, and the report was adopted.

## RESOLUTIONS.

The following resolutions were introduced, severally read one time at length, and referred to appropriate committees as follows:

Resolution 83, by Mr. Pettus:

Be it resolved, That hereafter all ordinances and resolutions offered in this Convention shall state briefly in the title the substance of such ordinance or resolution, and shall be read by the title only, and referred to the appropriate committee; provided, that it shall be in order for any delegate to call for a full reading of such ordinance or resolution within a reasonable time after it has been read by the title.

The resolution was referred to the Committee on Rules.

Resolution 84, by Mr. Sanford, of Montgomery:

Resolved, That during the call of the roll for the introduction of resolutions and ordinances, no discussion upon any subject shall be heard by the Convention, and all such discussions shall be considered out of order.

The resolution was referred to the Committee on Rules.

Mr. Sanford moved that the rules be suspended and that the resolution be adopted.

Resolution 84:

The motion was lost, and the resolution was referred to the Committee on Rules.

Resolution 85, by Mr. Jones, of Wilcox:

Resolved, That it is the sense of this Convention that whenever an ordinance is introduced by a member of this Convention merely to add to, amend or alter one or more sections of any article of the present Constitution, that only the section or sections so added to, amended or altered, be embraced in such ordinance, and that the whole article be not set out in such ordinance.

The resolution was referred to the Committee on Rules.

Resolution 86, by Mr. Long, of Walker:

Whereas, a resolution making an appropriation from the State Treasury of \$70 a day for a stenographic re-

port of the proceedings of the Constitutional Convention was passed by this body without an aye and nay vote, and

Whereas, There are grave doubts as to the legality of such a proceeding, and

Whereas, the stenographic report as published show many errors; therefore, be it resolved

That the President of this Convention be and he is hereby requested to immediately cancel the contract for the stenographic report after paying all the expenses by the State connected therewith to the date of cancellation.

The resolution was referred to the Committee on Rules.

Resolution No. 87, by Mr. Vaughan:

Resolved, That no delegate shall introduce a resolution or ordinance until his name is reached on the roll call, except under a suspension of the rules.

The resolution was referred to the Committee on Rules.

Resolution No. 88, by Mr. Reynolds, of Chilton:

Be it resolved by the people of Alabama, in Convention assembled, that all county officers within this State shall be elected for a term of four years, and that they be ineligible to any office in the county within four years after the expiration of their term of office.

The resolution was referred to the Committee on Executive Department.

Resolution No. 89, by Mr. Reynolds, of Chilton:

Be it resolved by the people of Alabama, in Convention assembled that a stock law shall not be passed for any community within this State until such question shall have been submitted, in an election for that purpose alone, to the people of that community, and a majority of the qualified voters shall have, at said election, approved of the passage of such stock law.

The resolution was referred to the Committee on Legislative Department.

Resolution No. 90, by Mr. Reynolds, of Chilton:

Be it resolved by the people of Alabama, in Convention assembled that no person shall be permitted to marry within five years after obtaining a divorce.

The resolution was referred to the Committee on Judiciary.

Resolution No. 91, by Mr. Weatherly, of Jefferson :

Whereas, the General Assembly of Alabama did provide for the holding of this Convention by an act entitled "An act to provide for holding a Convention to revise and amend the Constitution of this State," approved December 11th, 1900; and, whereas, in and by Sections 15 to 21½, inclusive, of said act, it was provided that certain matters should and that certain matters should not be incorporated in any Constitution which this Convention might adopt; and

Whereas, The question of whether or not this Convention should be held was duly submitted to the qualified electors of the State under and in accordance with said act, by whom the holding of this Convention was duly approved, and this Convention has been duly convened and become organized in accordance with the requirements of said act;

Now, therefore, be it resolved, That the Judiciary Committee of this Convention be and it is hereby instructed to report to this Convention at an early day to what extent, if any, this Convention is bound by the requirements contained in said Sections 15 to 21½ of said act considered as a mere legislative enactment independently of the vote of the qualified electors authorizing the holding of this Convention, and also in connection with, and as affected by such vote.

NOTE—See Jameson on Constitutional Conventions.

Resolution 92, by Mr. Espy :

Be it resolved, That the Committee on Rules fix a time in which ordinances shall be introduced, and after the expiration of the time so fixed by said committee, no ordinance shall be introduced by any delegate for consideration by this Convention.

The resolution was referred to the Committee on Rules.

Resolution 93, by Mr. Williams, of Elmore :

Resolution to provide for a Committee on Pensions for Confederate soldiers.

Be it resolved, That the chairman of the Rules Committee be authorized to appoint a committee of nine, of which Governor William C. Oates shall be chairman, said committee to be styled and known as Pensions Committee for Confederate Soldiers.

The resolution was referred to the Committee on Rules.

Resolution 94, by Mr. Williams, of Elmore:

Resolution for the appointment of the following standing committees:

Be it resolved that the chairman of the Rules Committee appoint three standing committees of nine members each; to-wit: A Committee on Federal Relations, a Committee on Agriculture, Commerce and Industry, and a Committee on Temperance.

The resolution was referred to the Committee on Rules.

Resolution 95, by Mr. Wilson, of Clarke:

Resolved, That the Secretary of the Convention be, and he is authorized to purchase such blank books, stationery and other necessary supplies as may be necessary for the use of his office.

The resolution was referred to the Committee on Rules.

Resolution No. 96, by Mr. Wilson, of Clarke:

Resolved, That the clerks of the several committees of this Convention shall, when not engaged in attendance upon the meetings of their several committees, remain at some convenient place to be designated by the chairman of the committee which said clerk serves, at all reasonable hours; and such clerk shall perform such clerical work as may be required of them by the several members of the committee of which they are clerks.

The resolution was referred to the Committee on Rules.

Resolution 97, by Mr. Winn:

A resolution relating to the form of ordinances submitted.

Be it resolved by this Convention that all ordinances shall relate to but a single article or subject matter, in



order to the reference of the same to the appropriate committee.

Second, be it further resolved that no ordinance offending this rule shall be received or referred.

The resolution was referred to the Committee on Rules.

#### ORDINANCES ON FIRST READING.

The following ordinances were introduced, severally read at length one time, and referred to appropriate committees as follows:

Ordinance 163, by Mr. W. T. Sanders:

To amend Article VIII of the Constitution by striking out the whole thereof, and inserting a new article. Relates to Suffrage and Elections.

The ordinance was referred to the Committee on Suffrage and Elections.

Ordinance 164, by J. W. A. Sanford:

To amend Section 54, Article IV and to authorize the State to construct and own works of internal improvement.

The ordinance was referred to the Committee on Legislative Department.

Ordinance 165, by J. W. A. Sanford:

To prohibit the General Assembly from abolishing the military system of education in the University of Alabama, and in the Alabama Polytechnic Institute.

The ordinance was referred to the Committee on Education.

Ordinance 166, by J. W. A. Sanford:

To amend Section 2 of Article I of the Constitution by striking out the words "or who shall have legally declared their intention to become citizens of the United States."

The ordinance was referred to the Committee on Preamble and Declaration of Rights.

Ordinance 167, by Mr. Selheimer:

To amend Section 29 of Article IV of the Constitution of Alabama.

The ordinance was referred to the Committee on Legislative Department.

Ordinance 168, by Mr. Selheimer:

To amend Section 13 of Article V of the Constitution of Alabama.

The ordinance was referred to the Committee on Executive Department.

Ordinance 169, by Mr. Sentell, J. O.:

To amend Section 2 of Article X of the present Constitution. (Relates to exemptions.)

The ordinance was referred to the Committee on Exemptions.

Ordinance 170, by Mr. J. R. Beavers:

To declare null and void the act of March 5, 1901, with accompanying memorial. (Relates to county seat of Shelby county.)

The ordinance was referred to the Committee on State and County Boundaries.

Ordinance 171, by Mr. M. M. Smith:

To fix the salary of Governor.

The ordinance was referred to the Committee on Executive Department.

Ordinance 172, by Mr. M. M. Smith:

To amend Section 7 of Article X of Constitution of Alabama. (Refers to Exemptions.)

The ordinance was referred to the Committee on Exemptions.

Ordinance 173, by Mr. M. M. Smith:

To exempt cotton manufactories from taxation for ten years.

The ordinance was referred to the Committee on Taxation.

Ordinance 174, by Mr. Sollie:

Be it ordained by the people of Alabama, in Convention assembled; that no person shall be eligible to hold any public office or to serve as a juror in Alabama who does not belong to the white race, and who is not descended exclusively from the white race, and who is not at the time of his election or appointment to such office and has not been for at least one year immediately prior thereto a citizen of the United States and of Alabama.

The ordinance was referred to the Committee on Suffrage and Elections.

Ordinance 175, by Mr. M. Sollie:

To amend Section 38 of Article I of the Constitution.  
(Relates to qualifications for suffrage.)

The ordinance was referred to the Committee on Suffrage and Elections.

Ordinance 176, by Mr. Sollie:

To confer the right of suffrage on certain people.

The ordinance was referred to the Committee on Suffrage and Elections.

Ordinance 177, by Mr. Kyle:

To amend suffrage clause of the Constitution.

The ordinance was referred to the Committee on Suffrage and Elections.

Ordinance 178, by Mr. Tayloe:

Regulating appropriations by the General Assembly.

The ordinance was referred to the Committee on Legislative Department.

Ordinance 179, by Mr. Tayloe, of Perry:

Relating to the Committees in the General Assembly, whose duty it is to raise revenues.

The ordinance was referred to the Committee on Legislative Department.

Ordinance 180, by Mr. deGraffenried:

To amend Section 10 of Article VI of the Constitution of the State of Alabama, relative to the salary of judges.

The ordinance was referred to the Committee on Judiciary.

Ordinance 181, by Mr. Vaughan, of Dallas:

To amend Section 27 of Article IV of the Constitution of Alabama, relating to the signing of bills and joint resolutions by the presiding officer of each house.

The ordinance was referred to the Committee on Legislative Department.

Ordinance 182, by Mr. B. B. Boone:

To add an additional section to the Declaration of rights.

The ordinance was referred to the Committee on Preamble and Declaration of Rights.

Ordinance 183, by Mr. B. B. Boone:

To regulate the organization and classification of cities and towns.

The ordinance was referred to the Committee on Municipal Corporations.

Ordinance 184, by Mr. Walker, of Madison:

To fix the term of office of the Chief Justice and Associate Justices of the Supreme Court.

The ordinance was referred to the Committee on Judiciary.

Ordinance 185, by Mr. Walker:

To amend Section 17 of Article VI of the Constitution. (Referring to vacancies in the offices of Judges.)

The ordinance was referred to the Committee on Judiciary.

Ordinance 186, by Mr. Weakley:

To provide for the organization, classification and government of villages, towns and cities of Alabama.

The ordinance was referred to the Committee on Municipal Corporations.

Ordinance 187, by Mr. Weakley, of Lauderdale:

To permit municipalities in the State of Alabama having more than 2,000 inhabitants, to establish municipal courts.

The ordinance was referred to the Committee on Municipal Corporations.

Ordinance 188, by Mr. Weakley, of Lauderdale:

To limit the indebtedness of the municipal corporations of the State.

The ordinance was referred to the Committee on Municipal Corporations.

Ordinance 189, by Mr. Cornwell:

Providing for the levying and collecting of municipal taxes.

The ordinance was referred to the Committee on Municipal Corporations.

Ordinance 190, by Mr. Cornwell:

To amend Article 11 of Section VII of the Constitution of Alabama.

The ordinance was referred to the Committee on Municipal Corporations.

Ordinance 191, by Mr. Cornwell:

To amend, alter and change Article II, Sections 1 and 2 of the Constitution of Alabama of 1875.

The ordinance was referred to the Committee on State and County Boundaries.

Ordinance 192, by Mr. Whiteside:

To repeal Section 38, of Article I of the present Constitution.

The ordinance was referred to the Committee on Suffrage and Elections.

Ordinance 193, by Mr. Whiteside:

To amend Section 56 of Article IV of the Constitution.

The ordinance was referred to the Committee on Legislative Department.

Ordinance 194, by Mr. Willett:

To require all officers authorized by this Constitution to be elected by the people of the State of Alabama.

The ordinance was referred to the Committee on Executive Department.

Ordinance 195, by Mr. Willett:

To make the directors of insolvent corporations trustees of the assets of said corporation for the benefit of all the creditors.

The ordinance was referred to the Committee on Corporations.

Ordinance 196, by Mr. Oates:

To amend Section 1 of Article XVI of the Constitution by adding thereto a proviso.

The ordinance was referred to the Committee on Amendments to Constitution and Miscellaneous Provisions.

Ordinance 197, by Mr. Oates:

To amend Section 6 of Article V of the Constitution. (Relates to the salary of the Governor.)

The ordinance was referred to the Committee on Executive Department.

Ordinance 198, by Mr. Espy:

To authorize railroad companies to exercise the powers of eminent domain.

The ordinance was referred to the Committee on Corporations.

Ordinance 199, by Mr. Espy:

To define the powers of married women to contract.

The ordinance was referred to the Committee on Judiciary.

Ordinance 200, by Mr. Espy:

To regulate the establishing of stock law districts.

The ordinance was referred to the Committee on Legislative Department

Ordinance 201, by Mr. Williams, of Elmore:

To prohibit any change in preamble, and Article I, (Declaration of Rights) in this Constitution.—Exception.

The ordinance was referred to the Committee on Executive Department.

Ordinance 202, by Mr. Wilson, of Clarke:

To amend Section 9 of Article VI of the Constitution.

The ordinance was referred to the Committee on Judiciary.

Ordinance 203, by Mr. Wilson, of Washington:

As a substitute for Section 7 of Article V. (Relates to Executive Department.)

The ordinance was referred to the Committee on Executive Department.

Ordinance 204, by Mr. Wilson, of Washington:

To amend Section 25 of Article VI. (Relates to Judiciary.)

The ordinance was referred to the Committee on Judiciary.

Ordinance 205, by Mr. Wilson, of Washington:

Be it ordained by the people of Alabama, in Convention assembled, that all State and county officers shall be elected at the same time and places by a direct vote of the qualified electors of the State.

Vacancies created by death, resignation, impeachment, removal from the State or county, or other disability, may be filled by appointment.

The ordinance was referred to the Committee on Executive Department.

## RESOLUTION 86.

Mr. Long, of Walker, moved that resolution 86, "Whereas, a resolution making an appropriation from the State Treasury of \$70 a day for a stenographic report of the proceedings of the Constitutional Convention, was passed by this body without an aye and nay vote, and

"Whereas, There are grave doubts as to the legality of such a proceeding; and

"Whereas, the stenographic report, as published, show many errors; therefore, be it

Resolved, That the President of this Convention be and he is hereby requested to immediately cancel the contract for the stenographic report, after paying all the expenses by the State connected therewith to the date of cancellation," be recalled from the Committee on Rules, and that the rules be suspended and the resolution adopted.

The motion was ruled out of order.

Mr. Long, of Walker, gave notice that on next Wednesday he would move to recall the resolution 86 from the Committee on Rules.

## STATEMENT OF THE CHAIR.

The President called the attention of the Convention to the decision he had made in regard to the motion of Mr. Grayson to reconsider the vote by which the motion to fix the time to which to adjourn had been adopted. The President said:

"The Chair, in ruling on the point of order made against the motion of the gentleman from Madison, ruled that it would not be in order to reconsider the vote whereby this Convention decided when it adjourned it would adjourn to meet on Monday. A number of authorities have been examined on this question and the Chair has been unable to find any direct authority on it in any of the books on parliamentary law that have been accessible, but in the opinion of the Chair, it would be in the power of this Convention after it has decided

and fixed the hour to which to adjourn, to reconsider that action if it sees fit to do so, and fix another and different time, and the Chair will reverse its ruling made this morning and recognize the gentleman from Madison."

Mr. Grayson asked leave to withdraw his motion to reconsider, and leave was granted.

#### REPORTS OF STANDING COMMITTEES.

On motion of Mr. Oates, the call of the standing committees of the Convention was dispensed with.

#### MEMORIALS.

The following memorial was presented to the Convention and read at length:

Report made May, 1901, at Convention in Montevallo, to Alabama Federation of Women's Clubs, by Mrs. W. F. Johnston, of Anniston, chairman of Committee on Education. Unanimously adopted by the Federation.

Recognizing the deplorable necessity for education among the masses of the children of the State, and realizing that this necessity can only be met and relieved by the public schools, the Federation of Women's Clubs of Alabama in convention assembled do resolve:

First—That the Constitutional Convention soon to be assembled in the city of Montgomery, be earnestly petitioned to declare in the organic law of the State, that no person shall be eligible to office of State or County Superintendent of Education who is not possessed of a good moral character, and who is not sufficiently qualified to stand the examination required by law of applicants for certificates as first grade teachers in the public schools of the State.

Second—That the said Constitutional Convention be petitioned to take such action as may be necessary to allow municipalities, counties and school districts within counties to secure local taxation for public schools within such territory.

Third—That the said Constitutional Convention be petitioned for such action as will provide for and require



the erection and proper equipment of suitable and comfortable school buildings in every school district in the State, whether districts by special acts of the General Assembly or under the general school law.

Fourth—That the said Constitutional Convention be petitioned to take such action as will provide for the maintenance of a public school in each school district and neighborhood in the State for at least five months in every year.

Fifth—That said Convention be petitioned to take such action as will require every child in the State between the ages of 8 and 16 years to attend upon some school at least three months during each year.

Sixth—That these resolutions be neatly printed for presentation to members of the Constitutional Convention, and that the members of the Women's Clubs in Montgomery be appointed a committee to present them.

On motion of Mr. Howell, the memorial was referred to the Committee on Education.

#### MEMORIAL FROM NEGRO CITIZENS.

The memorial from Booker T. Washington and other negro citizens was, on motion of Mr. Ashcraft, referred to the Committee on Suffrage and Elections, and also to the Committee on Education.

#### ADJOURNMENT.

The hour of 1 o'clock p. m. having arrived, the Convention, under the resolution heretofore adopted, adjourned until 12 o'clock Monday.

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#### TENTH DAY.

#### CONVENTION HALL.

Montgomery, Ala., Monday, June 3, 1901.

The Convention met pursuant to adjournment.  
Prayer was offered by Rev. Mr. Provence of the city.

ROLL CALL.

On a call of the roll of the Convention the following delegates answered to their names, which constituted a quorum :

Messrs. President,	Grayson,
Almon,	Handley,
Altman,	Harrison,
Banks,	Heflin (Chambers),
Barefield,	Heflin (Randolph),
Bartlett,	Henderson,
Beavers,	Hinson,
Beddow,	Hodges,
Bethune,	Hood,
Blackwell,	Howell,
Brooks,	Jenkins,
Bulger,	Jones (Bibb),
Burnett,	Jones (Hale),
Burns,	Jones (Montgomery),
Byars,	Jones (Wilcox),
Carmichael (Colbert),	Kirk,
Carmichael (Coffee),	Knight,
Carnathon,	Kyle,
Case,	Ledbetter,
Chapman,	Leigh,
Cofer,	Locklin,
Coleman (Greene),	Long (Butler),
Coleman (Walker),	Long (Walker),
Cornwell,	Lowe (Jefferson),
Craig,	Macdonald,
deGraffenried,	McMillan (Wilcox),
Duke,	McMillan (Baldwin),
Eley,	Malone,
Eyster,	Martin,
Espy,	Merrill,
Ferguson,	Moody,
Fitts,	NeSmith,
Foshee,	Norman,
Foster,	Norwood,
Gilmore,	Oates,
	O'Neal (Lauderdale),

O'Neill (Jefferson),	Selheimer,
Opp,	Sentell,
O'Rear,	Smith (Mobile),
Palmer,	Smith, Mac. A.,
Parker (Elmore),	Smith, Morgan M.,
Pettus,	Sollie,
Phillips,	Tayloe,
Pillans,	Thompson,
Pitts,	Vaughan,
Reese,	Waddell,
Renfro,	Walker,
Reynolds (Chilton),	Watts,
Reynolds (Henry),	Weakley,
Robinson,	Weatherly,
Rogers (Lowndes),	White,
Rogers (Sumter),	Whiteside,
Samford,	Willett,
Sanders,	Williams (Barbour),
Sanford,	Wilson (Clarke),
Searcy,	Wilson (Washington).

## LEAVE OF ABSENCE.

Leave of absence was granted as follows:

To Messrs. Cunningham, for to-day; Stewart, for to-day; Dent, indefinitely; Winn, for to-day and to-morrow; Sollie, for to-morrow; Coleman, of Walker, for to-day; O'Neil, of Jefferson, indefinitely; Glover, for to-day; Spraggins, for to-day; Willett, for to-morrow and Wednesday; Parker, of Cullman, for to-day; Cardon, for to-day; Davis, of Etowah, for to-day and to-morrow; Jenkins, for to-morrow and Wednesday; Fletcher, for to-day; Samford, for to-morrow and Wednesday; Proctor, for to-day; Sloan, for to-day; Graham, of Montgomery, for to-day; Morrisette, for to-day; Sorrell, for the week.

## OBJECTION TO LEAVE OF ABSENCE.

Mr. Oates raised objection to leave of absence being granted any delegate indefinitely unless the reason therefor are stated.

Mr. Bulger raised the point of order that the objection came too late, as leave had already been granted. The point of order was sustained.

## REPORT OF THE COMMITTEE ON JOURNAL.

The chairman of the Committee on the Journal submitted the following report:

The Committee on the Journal beg to report that they have examined the Journal for the ninth day of the Convention, and that the same is correct.

Respectfully submitted,

MASSEY WILSON, *Acting Chairman.*

The report was concurred in.

The President of the Convention stated that under a resolution heretofore adopted the Journal must be approved without being read, unless some delegate asked that the same be read.

## RESOLUTIONS ON FIRST READING.

The following resolutions were introduced, severally read one time at length and referred to appropriate committees, as follows:

Resolution 98, by Mr. Reese:

Resolved, That the privileges of the floor of this Convention be and the same are hereby extended to His Excellency, the Hon. William J. Samford, Governor of Alabama.

On motion of Mr. Reese, the rules were suspended, and the resolution unanimously adopted.

Resolution No. 99, by Mr. Heflin, of Randolph.

Resolved, That the Committee on Executive Department are hereby instructed to embody in its report a provision fixing the salary of the Governor of this State at a sum not less than five thousand dollars per annum, said sum not to be increased nor diminished during his term of office.

The resolution was referred to the Committee on Executive Department.

Resolution No. 100, by Mr. Bulger :

That whereas, the Convention on last Friday adjourned over until noon to-day, thereby losing Saturday, one entire working day;

That, whereas, a session on one hour to-day is not long enough to dispose of the business of the Convention;

Therefore, be it resolved, that the rules of the Convention as to the hour of adjournment be suspended and the Convention remain in session to-day until 2 o'clock p. m.

The resolution was referred to the Committee on Rules.

Mr. Bulger moved that the rules be suspended and the resolution adopted.

The motion was lost, and the resolution was referred to the Committee on Rules.

Resolution No. 101, by Mr. Watts :

Resolved, That whenever either of the committees heretofore appointed, except the Committee on Rules, on Journal, and procuring ministers, is ready to report, the chairman thereof shall hand the said report to the Secretary of this Convention, who shall cause the said report to be printed and a copy thereof placed upon the desk of each member of the Convention before the said report is considered.

Second, that when any such report comes up for consideration by the Convention, each section or paragraph of said report shall be considered separately.

The resolution was referred to the Committee on Rules.

Resolution No. 102, by Mr. Henderson :

Resolved, That hereafter no member of this Convention shall yield his call for the purpose of introducing resolutions and ordinances to any other member. nor shall any other member on the call of his name introduce resolutions or ordinances in the name of any other member where such other member answered to his name on roll call on any day's session of this Convention.

The resolution was referred to the Committee on Rules.

## ORDINANCES ON FIRST READING.

The following ordinances were introduced, severally read one time at length, and referred to appropriate committees, as follows:

Ordinance 206, by Mr. Pettus:

To establish courts of County Commissioners in the several counties of the State, and authorize the Legislature to confer powers of local legislation and administration on the same.

The ordinance was referred to the Committee on Local Legislation.

Ordinance 207, by Mr. Sollie:

An ordinance adding Section 29 to Article VI of the Constitution of Alabama.

The ordinance was referred to the Committee on Judiciary.

Ordinance 208, by Mr. Jenkins:

An ordinance to amend Section 1 of Article VIII of the Constitution, pertaining to suffrage and qualifications of voters.

The ordinance was referred to the Committee on Suffrage and Elections.

Ordinance 209, by Mr. White:

To regulate suffrage and elections in the State of Alabama.

The ordinance was referred to the Committee on Suffrage and Elections.

Ordinance 210, by Mr. Bethune:

To amend the preamble of the Constitution.

The ordinance was referred to the Committee on Preamble and Declaration of Rights.

Ordinance 211, by Mr. Bethune:

To amend Section 5, Article XIII of the Constitution. (Refers to Education.)

The ordinance was referred to the Committee on Education.

Ordinance 212, by Mr. Brooks:

To amend Section 1 of Article XI of the Constitution, relating to the taxation of mortgages.

The ordinance was referred to the Committee on Taxation.

Ordinance 213, by Mr. Browne:

To amend Sections 5 and 7 of Article XI of the Constitution, relating to taxation.

The ordinance was referred to the Committee on Taxation.

Ordinance 214, by Mr. Browne:

Regulating the right to vote. (Relates to Suffrage and Elections.)

The ordinance was referred to the Committee on Suffrage and Elections.

#### PRIVILEGES OF THE FLOOR.

On motion of Mr. Long, of Walker, the privileges of the floor were extended to the Hon. William Richardson, of Madison, and the Hon. Thomas Taylor of Mobile.

#### REPORT OF THE COMMITTEE ON RULES.

Mr. Smith, of Mobile, acting chairman of the Committee on Rules, submitted the following report:

The Committee on Rules have considered the resolutions hereinafter mentioned, and beg leave to report in regard thereto as follows:

It returns resolution number 22 without action, and recommends that it be referred to the Committee on Education.

It reports as a substitute for the resolution number 71, introduced by Mr. O'Neal, of Lauderdale, said substitute offered by Mr. Pillans of Mobile, and as a substitute for resolution number 85, introduced by Mr. Jones, of Wilcox, the following, and recommends its adoption by the Convention:

Resolved, That it is the sense of this Convention that the several standing committees appointed to deal with and consider proposed amendments, changes and alterations of and additions to the present Constitution, where no change is recommended by the committee, or

has been made by the Convention in any article or provision of the present Constitution, shall report said provisions of the present Constitution as a part of the new Constitution, to be adopted or rejected, as the Convention may determine.

Resolved, First, That ordinances having for their only purpose the reënactment of articles or sections of the present Constitution, shall state the subject in the caption, and state the number of the article and section proposed to be reënacted, but the reënacting clause need not set out in extenso the article or section to be reënacted.

Second, That ordinances having for their purpose brief amendments to sections of the present Constitution, shall state the subject in the caption, and state the number of the article and section to be amended, but the section amended need not be set out in extenso in the ordinance offered.

It reports as a substitute for resolution number 95, introduced by Mr. Pettus, of Limestone, the following, and recommends its adoption by the Convention:

Resolved, That the Secretary, with the approval of the President of the Convention, be and he is authorized to purchase such blank books, stationery and other necessary supplies as may be necessary for the use of his office.

The committee returns herewith to the Convention the resolutions hereinabove referred to.

On motion of Mr. Smith, of Mobile, the report was adopted.

#### ADJOURNMENT.

The hour of 1 p. m. having arrived, under the rules the Convention adjourned until to-morrow at 10 o'clock a. m.



## ELEVENTH DAY.

## CONVENTION HALL.

Montgomery, Ala., Tuesday, June 4, 1901.

The Convention met pursuant to adjournment.  
Prayer was offered by Rev. Mr. Browne of the city.

## ROLL CALL.

On a call of the roll of the Convention the following delegates answered to their names, which constituted a quorum :

Messrs. President,	Coleman (Walker),
Almon,	Cornwell,
Altman,	Craig,
Ashcraft,	Davis (DeKalb),
Banks,	deGraffenried,
Barefield,	Duke,
Beavers,	Eley,
Beddow,	Espy,
Bethune,	Eyster,
Blackwell,	Ferguson,
Boone,	Fitts,
Brooks,	Fletcher,
Browne,	Foshee,
Bulger,	Foster,
Burnett,	Freeman,
Burns,	Gilmore,
Byars,	Grayson,
Cardon,	Haley,
Carmichael (Colbert),	Handley,
Carmichael (Coffee),	Harrison,
Carnathan,	Heflin (Randolph),
Case,	Henderson,
Chapman,	Hinson,
Cofer,	Hodges,
Coleman (Greene),	Hood,

Howell,  
Howze,  
Jones (Bibb),  
Jones (Hale),  
Jones (Montgomery),  
Jones (Wilcox),  
Kirk,  
Kirkland,  
Knight,  
Kyle,  
Ledbetter,  
Leigh,  
Locklin,  
Long (Butler),  
Long (Walker),  
Lowe (Jefferson),  
Lowe (Lawrence),  
McMillan (Baldwin),  
McMillan (Wilcox),  
Malone,  
Martin,  
Maxwell,  
Merrill,  
Miller (Wilcox),  
Moody,  
Murphree,  
NeSmith,  
Norman,  
Norwood,  
Oates,  
O'Neal (Lauderdale),  
O'Neill (Jefferson),  
Opp,  
O'Rear,  
Palmer,  
Parker (Cullman),  
Parker (Elmore),  
Pearce,  
Pettus,  
Phillips,

Pillans,  
Pitts,  
Porter,  
Proctor,  
Renfro,  
Reynolds (Chilton),  
Reynolds (Henry),  
Robinson,  
Rogers (Lowndes),  
Rogers (Sumter),  
Sanders,  
Sanford,  
Searcy,  
Selheimer,  
Sentell,  
Sloan,  
Smith (Mobile),  
Smith, Mac. A.,  
Smith, Morgan M.,  
Spears,  
Spragins,  
Stewart,  
Studdard,  
Tayloe,  
Thompson,  
Vaughan,  
Waddell,  
Walker,  
Watts,  
Weakley,  
Weatherly,  
White,  
Whiteside,  
Williams (Barbour),  
Williams (Marengo),  
Williams (Elmore),  
Wilson (Clarke),  
Wilson (Washington).  
Winn.

## LEAVE OF ABSENCE.

Was granted to Messrs. Graham, of Montgomery, for to-day; Graham, of Talladega, for yesterday and to-day; Heflin, of Chambers, for to-day; Morrisette for to-day; Cunningham for to-day; Macdonald for to-day; Lomax for to-day and to-morrow.

## COMMITTEE GRANTED LEAVE TO SIT DURING SESSION.

On motion of Mr. Coleman, of Greene, the Committee on Suffrage and Elections were granted leave to sit during the session of to-morrow.

## REPORT OF COMMITTEE ON JOURNAL.

The chairman of the Committee on the Journal submitted the following report:

The Committee on the Journal beg leave to report that they have examined the Journal for the tenth day of the Convention, and that the same is correct.

Respectfully submitted,

JOHN F. PROCTOR, *Chairman*.

The report of the committee was concurred in.

## REPORT OF COMMITTEE ON RULES.

Mr. Smith, of Mobile, acting chairman of the Committee on Rules, moved that the report of the Rules Committee adopted on yesterday, be amended so as to make the name of Mr. Wilson, of Clarke, appear instead of Mr. Pettus, of Limestone, as having introduced resolution number 95.

The Committee on Rules also submitted the following report:

The Committee on Rules reports that it has had under consideration resolution No. 77, by Mr. Proctor, which reads as follows:

“Resolved, That the Committee on the Journal shall be entitled to a clerk, to be appointed by the chairman

who shall receive the same per diem as clerks of the other committees. Resolved further,

That said clerk shall, when not engaged with said committee, serve any other committee that may need a clerk, or serve the Secretary of this Convention when so required by him."

And reports favorably upon said resolution, and recommends its adoption by the Convention.

On motion of Mr. Practor, the report was concurred in, and the resolution was adopted.

#### RESOLUTIONS ON FIRST READING.

The following resolutions were introduced, severally read one time at length and referred to appropriate committees, as follows:

Resolution 103, by Mr. Case:

Whereas, it is truthfully said: "If we would see the foundation laid broadly and deeply on which the fabric of this country's liberties shall rest, to the remotest generation, if we would see her carry forward the work of political reformation, and rise the bright and morning star of freedom over a benighted world, let us elevate the intellectual and moral character of every class of our citizens; and, most especially, let imbue them thoroughly with the principles of the gospel of Jesus Christ," but how shall we accomplish such reformation for the negro if we afford him no opportunity scarcely for literary culture, thus depriving him of chances for an education, as it were, to in a great extent? Such will not only discourage him, but, like an enemy, will turn to injure the white man, because all observation has clearly demonstrated the more any men are enlightened, to comprehend virtue, the less likely they are to perpetuate crime, and the better citizens they make.

And, whereas, several ordinances have been introduced in this Convention, providing for an unequal distribution of the public school funds of this State between the white students and those of the colored children, and being of the opinion such ordinances are contrary to the spirit of the Federal Constitution, taking

into consideration language of the Fourteenth Amendment to the same, as follows: No State shall make or enforce any law which shall deny to any person within its jurisdiction the equal protection of the laws. Therefore, be it resolved, that the Judiciary Committee is hereby respectfully requested at its earliest convenience, to bring in a report stating whether or not such discrimination, as aforesaid, is in violation of the Federal Constitution.

The resolution was referred to the Committee on Judiciary.

Resolution 104, by Mr. Rogers, of Sumter:

Resolved, That whereas the resolution of the Convention, adopted at an early day after its organization that there should be printed for the use and benefit of the delegates, the Constitutions of several designated States, bearing upon the question of Suffrage, and whereas, the material for such printing was promptly supplied, and whereas up to this time, said resolution has not been complied with.

Resolved, That the Committee on Schedule, Printing and Incidental Expenses be instructed not to pay for any such printing unless, after examination, it be ascertained that the delay was absolutely unavoidable.

The resolution was referred to the Committee on Schedule, Printing and Incidental Expenses.

Resolution No. 105, by Mr. Searcy:

Resolved, That whereas, this Convention has made a contract with Mr. Pat McGauly for stenographic reports of the proceedings of the Convention, wherein it was agreed to pay said McGauly \$70 for each working day of the Convention, for such stenographic report, and

Whereas, there is now no authority in law for the Auditor to draw his warrant on the Treasurer for payment of said stenographer; therefore,

Be it ordained by the people of Alabama, in Convention assembled, that there is hereby appropriated a sum sufficient to pay whatever shall be due said stenographer, according to said contract, and the Auditor is hereby authorize and empowered to draw his warrant on the

Treasurer in favor of said stenographer for such sums as shall from time to time be certified to him for such purposes by the President and Secretary of this Convention.

The resolution was referred to the Committee on Rules.

Resolution 106, by Mr. Hinson:

Resolved, That this Convention shall not raise, reduce or fix the compensation of any judicial officer of this State; but it shall be made the duty of the Legislature to increase the salaries of the justices of the Supreme Court, not to exceed five thousand dollars per annum, whenever the financial condition of the State will justify such increase.

The resolution was referred to the Committee on Judiciary.

Resolution 107, by Mr. Hinson:

Resolved, That this Convention shall not raise, reduce or fix the compensation of any executive officer, but it shall be made the duty of the Legislature to increase the salary of the Governor, not to exceed five thousand dollars per annum, whenever the financial conditions of the State will justify such increase.

The resolution was referred to the Committee on Executive Department.

Resolution No. 108, by Mr. Jones, of Hale:

Be it resolved, That whereas the people of Alabama having been living under the present Constitution for the past twenty-five years, and have found and do find, that the said Constitution meets practically all the requirements requisite to the security of life, liberty and property, with the one exception, viz., that the negro is allowed to vote:

And whereas, the people of Alabama would probably rather bear the ills of the present Constitution than fly to those they know not of, except in the matter referred to.

Be it therefore resolved, that the Committee on Suffrage and Elections be requested and instructed to report to this Convention within the next five days an

ordinance or ordinances looking to the disfranchisement of the negro.

Be it further resolved, That this Convention then be allowed five additional days within which to discuss such ordinance or ordinances, so reported by said committee, and that then a final vote shall be taken on such ordinance or ordinances.

Be it further resolved, That after such vote is taken by the Convention that this Convention do then adjourn sine die, whether said Convention has agreed on a suffrage clause or not.

The resolution was referred to the Committee on Rules.

Resolution 109, by Mr. Jones, of Montgomery:

For an additional section to the Declaration of Rights concerning the Quarantine and Police Power.

Resolved, That the Committee on Preamble and Declaration of Rights be directed to report for the consideration of the Convention an additional section to the Declaration of Rights, in substance as follows:

That no person shall be compelled to exile himself from the State in time of epidemic or pestilential diseases, to obtain a refuge, if the authorities of any county in the State are willing to receive him in their borders.

The resolution was referred to the Committee on Preamble and Declaration of Rights.

Resolution 110, by Mr. Lowe, of Jefferson:

Resolved, That it is the sense of this Convention that the State, County and Congressional election should be held upon the same day; provided, however, that the General Assembly may prescribe separate and different dates for holding such elections.

The resolution was referred to the Committee on Legislative Department.

Resolution 111, by Mr. McMillan:

Be it resolved by this Convention, That it is the sense of this Convention that any ordinance adopted prescribing a poll tax qualification upon the right of suffrage, shall include in its provisions a section exempting all officers and men of the Alabama National Guard from its operation.

The resolution was referred to the Committee on Taxation.

Resolution No. 112, by Mr. Parker, of Elmore:

Whereas, It is the well settled policy of this State that the traffic in vinous, spiritous and malt liquors is a privilege and not a right of the citizen; and whereas, the ample and unrestricted authority of the General Assembly, under the present Constitution of Alabama, to restrict and police the buying and selling of vinous, spiritous and malt liquors has been in the past, a bulwark of safety to society and the individual citizen against the evils of intemperance;

Now, therefore, be it resolved that it is the sense of this Convention that no ordinance shall be adopted that will abridge or destroy the power of the General Assembly of the State of Alabama to restrict, regulate and control the sale of vinous, spiritous and malt liquors.

The resolution was referred to the Committee on Legislative Department.

Resolution No. 113, by Mr. Whiteside:

Whereas, It is apparent that this Convention will not be able to complete its labors within the fifty days for which it is authorized to draw pay under the act calling the Convention;

And, whereas, the present Constitution provides that "No bill shall be passed giving any extra compensation to any public officer; nor shall any officer of the State bind the State to the payment of any sum of money but by authority of law," therefore,

Be it resolved, That the question of the payment of the expenses of this Convention beyond the said fifty days be referred to the Judiciary Committee, with instructions to report thereon at an early date.

Resolved, further, That it is the sense of this Convention that no per diem be paid to the delegates of this Convention beyond the fifty days named in the act calling the Convention.

The resolution was referred to the Committee on Judiciary.

Resolution No. 114, by Mr. J. W. A. Sanford:



Whereas, In eight States and Territories of the Union the Eagle alone, or in combination with other figures, form the Great Seal; and whereas, the Great Seal of this State should be distinctive and symbolic of some event in its history, or of some peculiarity in its topography, or of some characteristic of its people;

Therefore, be it resolved, That a committee of nine, one from each Congressional district, be appointed by the President of the Convention to suggest and to commend to the Convention a design for a Great Seal of Alabama, which shall be different from the seal of any other State or Territory.

The resolution was referred to the Committee on Rules.

Mr. Sanford moved that the rules be suspended and that the resolution be adopted. The motion was lost, and the resolution was referred to the Committee on Rules.

Resolution 115, by Mr. Mac. A. Smith, of Autauga :

Resolved, That it is the sense of this Convention that a provision shall be inserted in the proposed new Constitution for the State of Alabama, limiting the rate of taxation by State, counties and municipalities, and that such rate of taxation shall not exceed the rate now fixed by the present Constitution, but a lower rate shall be fixed if practicable.

The resolution was referred to the Committee on Taxation.

Resolution No. 116, by Mr. Burns, of Dallas :

Resolved, That Ex-United States Senator James L. Pugh, ex-Governor Joseph F. Johnston, ex-Secretary of the Convention of 1875, Benjamin H. Screws; and the seven surviving members of the last Constitutional Convention be allowed the privileges of the floor.

The resolution was referred to the Committee on Rules.

#### MEMORIAL.

Mr. Davis, of DeKalb, introduced by request the following memorial, which was referred to the Committee

on State and County Boundaries:

Memorial in connection with ordinance No. 170.

*To the Honorable, the Constitutional Convention of the State of Alabama:*

With the view of protesting against any interference by your honorable body with the act approved March 5th, 1901, removing the county seat of Shelby county from Columbiana to Calera, and in answer to the "memorial" accompanying the introduction of ordinance No. 170 into the Convention, which ordinance is now in the hands of the Committee on State and County Boundaries, we beg leave to respectfully submit the following:

The location of the county site of Shelby county has been a bone of contention between the advocates of Columbiana and Calera for the past twenty years. In 1894 (not 1895, as set forth in said memorial,) an election was held in the county upon the question, but the law under which it was held failed to provide for a contest or to provide any safeguards against fraud, and the Columbiana advocates being in absolute control of the election machinery, they took advantage of the weakness of the law, and most unmercifully counted Calera out by all sorts of frauds, such as importing voters, stuffing ballot boxes, and throwing out boxes which were favorable to Calera.

In 1899 an act was passed by the General Assembly, over the opposition of the Columbiana advocates, permitting another election on the question within four years from the passage of said act. This act was well guarded against frauds, particularly the frauds perpetrated in the former election, but it failed to expressly provide that no step should be taken in the meantime to build a new court house at Columbiana. No one supposed that any such effort would be made as it was clearly against the spirit of the law. But during the latter part of the last session of the General Assembly the fact came to the knowledge of the Senator and Representative from Shelby county that there was a well defined plan on foot to forestall the election law in force

by quietly arranging for the erection of new county buildings at Columbiana as soon as the Legislature should adjourn. Upon receiving this information, the correctness of which they did not then and do not now doubt, the Senator and Representative consulted over the matter, and, being satisfied that a majority of the people of the county favored Calera as the county seat, they decided to introduce and pass a bill removing the county seat from Columbiana to Calera, and proceeded to do so. The bill was regularly introduced, read once by its caption, and referred to the Committee on Counties and County Boundaries at the afternoon session of February 26th, the forty-fifth day of the session. On the next day it was reported, read second time and placed on the House calendar, and on the next day it was, after due notice, called up and put upon its passage, being read third time, and was duly passed by the House. It was sent forthwith to the Senate, as other bills passed at that stage, without engrossment. In the Senate it was read first time and referred to the Committee on Corporations. February 28th the two Houses adjourned over to March 2nd, when the bill was reported favorably by the committee, read second time, and placed on the Senate calendar. The two houses again recessed from March 2d to March 5th, when the bill was called up, read third time, and passed at the afternoon session. Later on the same day it was signed by the presiding officers of the two Houses in the presence of their respective Houses, after its title had been publicly read and the fact entered on the Journal. It received executive approval the same day.

It will be seen that the bill went upon the House calendar on February 26th, seven days before the final adjournment of the Legislature, and that the wholesale aspersions attempted to be cast upon all persons connected with the passage of the bill are without any foundation in fact. While the "Citizens' Committee" of Columbiana indulge in much extravagant language touching the passage of the bill, they seem to rely upon the absence of recollection on the part of certain members of the House and upon such want of recollection to base their wholesale charges of fraud.

Among all the letters claimed to have been received from members of the House by the "Citizens' Committee" the letter of Mr. Striplin seems to be regarded as alone worth publication. Mr. Striplin says: "I don't remember one thing about it." All else that he says is merest conjecture.

The Representative states positively that he carried this identical bill, with the identical cover now on it, to Mr. Striplin, together with a note from Senator Oliver, asking its favorable consideration, and that he, the Representative, saw Mr. Striplin go to members of the committee with the bill in his hand and procure their signatures on the back of the bill, with a favorable report.

The removal act, which carefully guards the interests of the county, limits the issue of bonds to \$30,000, and the rate of interest to 5 per cent. And requires the redemption of \$2,000 of the principal each year by lot at a premium of 5 per cent., thus paying off the bonds with the specified levy of one-eighth of 1 per cent. in the fifteen years or less, according to the amount issued. So that the indebtedness which may be placed on the county is little more than half the amount estimated by the "Citizens' Committee" of Columbiana.

As to the location of Calera, it is far more accessible to a majority of the people of the county than Columbiana, because of the fact that it has railroads leaving it in five different directions, and touching every precinct in the county, with the exception of two. Columbiana is far from the geographical center of the county, and still further from the center of population in point of accessibility. A glance at the map will aid in demonstrating these facts.

The Senator and Representative emphatically deny that they "had assured the people of the county that they would not introduce any legislation pertaining to the court house." They were not pledged on the question of the removal of the county seat, nor was it an issue in the campaign.

Touching the alleged action of political parties in Shelby county, it is denied that the action taken by certain persons claiming to represent the Democratic and

Populist parties at Columbiana were representatives of these parties in the county. There was not a quorum of the precincts represented in either case. Nor was the result of the election with the advocates of Columbiana in charge of the machinery any reliable index to the will of the people in regard to the court house question. Moreover, the advocates of Calera do not understand that the subject is one of which the Constitutional Convention will take cognizance.

The advocates of Columbiana have resorted to all possible litigation to strike down the removal act, and the question of its validity is now before the Supreme Court, where a decision will no doubt be rendered at an early day.

Wherefore, and for various other reasons, we respectfully submit that it is wholly inexpedient for this honorably body to undertake to nullify said removal act.

Respectfully submitted,

W. R. OLIVER,  
Senator from Shelby County.

G. B. DEANS,  
Representative from Shelby County.

#### ORDINANCES ON FIRST READING.

The following ordinances were introduced, severally read one time at length, and referred to appropriate committees, as follows:

Ordinance 215, by Mr. Bulger:

To provide for the election of the officers of the State by the people, and to limit the terms of the same.

The ordinance was referred to the Committee on Executive Department.

Ordinance 216, by Mr. Burnett:

To amend Section 35, of Article I of the Constitution.

The ordinance was referred to the Committee on Preamble and Declaration of Rights.

Ordinance 217, by Mr. Burns:

To limit the authority of the proper officials, regarding the issuance of marriage licenses to females under the age of 16 years.

The ordinance was referred to the Committee on Judiciary.

Ordinance 218, by Mr. Burns:

To regulate the establishment of charitable, educational or agricultural institutions.

The ordinance was referred to the Committee on Education.

Ordinance 219, by Mr. Burns:

To prohibit the fixing of prices or hours of laborers.

The ordinance was referred to the Committee on Corporations.

Ordinance 220, by Mr. Knight:

To amend Section 3 of Article VIII of the Constitution of Alabama.

The ordinance was referred to the Committee on Suffrage and Elections.

Ordinance 221, by Mr. Cardon:

To amend Section 1 of Article IV of the Constitution of Alabama.

The ordinance was referred to the Committee on Local Legislation.

Ordinance 222, by Mr. Cardon:

To amend Section 1 of Article VI of the present Constitution of Alabama.

The ordinance was referred to the Committee on Judiciary.

Ordinance 223, by Mr. Carmichael, of Coffee:

To regulate the amount of money which may be expended by the State for the support of the State institutions of learning.

The ordinance was referred to the Committee on Education.

Ordinance 224, by Mr. Carnathan:

To regulate the establishment of stock law districts.

The ordinance was referred to the Committee on Local Legislation.

Ordinance 225, by Mr. Carnathan:

Amending Section 25, of Article VI.

The ordinance was referred to the Committee on Judiciary.

Ordinance 226, by Mr. Chapman:

To amend Section 31 of Article IV of the Constitution.

The ordinance was referred to the Committee on Legislative Department.

Ordinance 227, by Mr. Chapman:

To amend Article IV of the Constitution by adding thereto an additional section.

The ordinance was referred to the Committee on Legislative Department.

Ordinance 228, by Mr. Chapman:

To amend Article IV of the Constitution, by adding an additional section.

The ordinance was referred to the Committee on Legislative Department.

Ordinance 229, by Mr. Cofer:

To be entitled an ordinance to encourage emigration to the State of Alabama.

The ordinance was referred to the Committee on Amending Constitution and Miscellaneous Provisions.

Ordinance 230, by Mr. Cofer:

To amend Section 1 of Article XIII of the Constitution of the State of Alabama.

The ordinance was referred to the Committee on Education.

Ordinance 231, by Mr. Cofer:

To regulate the appointment and appropriation of the school funds of the State, to the common public schools of the State.

The ordinance was referred to the Committee on Education.

Ordinance 232, by Mr. Cofer:

To regulate the representation of the counties in the State of Alabama.

The ordinance was referred to the Committee on Representation.

Ordinance 233, by Mr. Craig:

To amend the Constitution of Alabama by adding an additional article.

The ordinance was referred to the Committee on Legislative Department.

Ordinance 234, by Mr. Craig:

To amend Sections 1 and 2 of Article I of the Constitution of Alabama.

The ordinance was referred to the Committee on Preamble and Declaration of Rights.

Ordinance 235, by Mr. Craig:

To amend Section 1 of Article X of the Constitution of Alabama.

The ordinance was referred to the Committee on Exemption.

Ordinance 236, by Mr. Craig:

To amend Section 15 of Article VI of the Constitution of Alabama.

The ordinance was referred to the Committee on Judiciary.

Ordinance 237, by Mr. Craig:

To prescribe the mode and manner in and by which the Governor of the State may exercise the appointing power to office in this State.

The ordinance was referred to the Committee on Executive Department.

Ordinance 238, by Mr. Craig:

An ordinance to regulate suffrage in the State.

The ordinance was referred to the Committee on Suffrage and Elections.

Ordinance 239, by Mr. Pitts:

To fill vacancies in county offices by the Court of County Commissioners.

The ordinance was referred to the Committee on Judiciary.

Ordinance 240, by Mr. Ferguson:

To dispense with the necessity of indictment in certain felony cases.

The ordinance was referred to the Committee on Judiciary.

Ordinance 241, by Mr. Fletcher:

To amend Section 50, Article IV of the Constitution, by adding certain words at the end of the section.

The ordinance was referred to the Committee on Municipal Corporations.

Ordinance 242, by Mr. Fletcher:



To amend Section 5 of Article XI of the Constitution relating to the manner of levying taxes.

The ordinance was referred to the Committee on Municipal Corporations.

Ordinance 243, by Mr. Searcy:

To amend Section 5 of Article XI.

The ordinance was referred to the Committee on Taxation.

Ordinance 244, by Mr. Searcy:

As to the banking or depository; State funds.

The ordinance was referred to the Committee on Banks and Banking.

Ordinance 245, by Mr. Morrisette:

To amend Article VIII of the Constitution, by striking out the whole thereof, and inserting another article.

The ordinance was referred to the Committee on Suffrage and Elections.

Ordinance 246, by Mr. Grayson:

To amend Sections 4 and 5 of Article XI of the Constitution.

The ordinance was referred to the Committee on Taxation.

Ordinance 247, by Mr. Grayson:

To provide for the payment of the public debt.

The ordinance was referred to the Committee on Legislative Department.

Ordinance 248, by Mr. Harrison:

To limit the issue of bonds or other evidences of debt by cities and towns in this State.

The ordinance was referred to the Committee on Municipal Corporations.

Ordinance 249, by Mr. Heflin, of Randolph:

Referring to the office of Justice of the Peace, Notary Public and Constable.

The ordinance was referred to the Committee on Judiciary.

Ordinance 250, by Mr. J. C. Henderson:

To fix the time for the assembling of the General Assembly.

The ordinance was referred to the Committee on Legislative Department.

Ordinance 251, by Mr. J. C. Henderson:

Providing for the bonding of State and County officers.

The ordinance was referred to the Committee on Legislative Department.

Ordinance 252, by Mr. Henderson:

Reducing the number of jurors.

The ordinance was referred to the Committee on Judiciary.

Ordinance 253, by Mr. Henderson:

To provide for the working of convicts of the several counties of the State.

The ordinance was referred to the Committee on Judiciary.

Ordinance 254, by Mr. Henderson:

Providing for the exemption of cotton mills from taxation.

The ordinance was referred to the Committee on Taxation.

Ordinance 255, by Mr. Henderson:

Regulating and providing for the publication of laws and bills.

The ordinance was referred to the Committee on Legislative Department.

Ordinance 256, by Mr. Henderson:

To establish a Department of Agriculture.

The ordinance was referred to the Committee on Executive Department.

Ordinance 257, by Mr. Henderson:

Amending Section 5 of Article XIII, applying to public school fund.

The ordinance was referred to the Committee on Education.

Ordinance 258, by Mr. Weakley, of Lauderdale:

To amend Section 4 of Article XI of the Constitution of the State of Alabama.

The ordinance was referred to the Committee on Taxation.

Ordinance 259, by Mr. Hood:

To establish a Court of Appeals, and declare jurisdiction thereof.

The ordinance was referred to the Committee on Judiciary.

Ordinance 260, by Mr. Robinson, of Chambers:

To amend Sections 1 and 3 of Article VIII of the Constitution of Alabama.

The ordinance was referred to the Committee on Suffrage and Elections.

Ordinance 261, by Mr. Jones, of Montgomery:

To promote speedy decision of causes in the Supreme Court.

The ordinance was referred to the Committee on Judiciary.

Ordinance No. 262, by Mr. Jones, of Montgomery:

To provide for a Board of Conciliation.

The ordinance was referred to the Committee on Executive Department.

Ordinance 263, by Mr. Jones, of Wilcox:

To amend Section 3 of Article VIII of the Constitution.

The ordinance was referred to the Committee on Suffrage and Elections.

Ordinance No. 264, by Mr. Jones, of Wilcox:

To amend Section 2 of Article X of the Constitution.

The ordinance was referred to the Committee on Exemptions.

Ordinance No. 265, by Mr. Jones, of Wilcox:

To amend Section 1 of Article XIII of the Constitution.

The ordinance was referred to the Committee on Education.

Ordinance 266, by Mr. Rogers, of Lowndes:

To amend Section 1 of Article II of the Constitution.

The ordinance was referred to the Committee on Taxation.

Ordinance 267, by Mr. Ledbetter:

That the office of Examiner of Public Accounts be and the same is hereby continued.

The ordinance was referred to the Committee on Executive Department.

Ordinance 268, by Mr. Ledbetter:

That Probate Judges shall be elected every four years.  
(Relates to the election and salary of Probate Judge.)

The ordinance was referred to the Committee on Judiciary.

Ordinance 269, by Mr. Long, of Walker:

To amend Section 6 of Article XI of the Constitution of Alabama.

The ordinance was referred to the Committee on Taxation.

Ordinance 270, by Mr. Long, of Walker:

To prescribe the qualification of electors, and to better provide for fair elections in the State of Alabama.

The ordinance was referred to the Committee on Suffrage and Elections.

Ordinance 271, by Mr. Lowe, of Jefferson:

To prescribe the time of election of Justices of the Supreme Court, Circuit Judges, Chancellors and Probate Judges.

The ordinance was referred to the Committee on Judiciary.

Ordinance 272, by Mr. Lowe, of Jefferson:

To prescribe the term of office of Justices of the Supreme Court, Circuit Judges, Chancellors and Probate Judges.

The ordinance was referred to the Committee on Judiciary.

Ordinance 273, by Mr. Parker, of Elmore:

To amend Article XVI of the Constitution.

The ordinance was referred to the Committee on Amendments to the Constitution and Miscellaneous Provisions.

Ordinance 274, by Mr. Oates, of Montgomery:

To amend Article VIII of the Constitution, as to the qualification of electors.

The ordinance was referred to the Committee on Suffrage and Elections.

Ordinance 275, by Mr. Oates, of Montgomery:

To improve the judicial system of the State.

The ordinance was referred to the Committee on Judiciary.

Ordinance 276, by Mr. Whiteside:

Relating to municipal corporations.

The ordinance was referred to the Committee on Municipal Corporations.

Ordinance 277, by Mr. Watts, of Montgomery:

To add a section to Article III. (Distribution of the powers of government.)

The ordinance was referred to the Committee on Executive Department.

Ordinance 278, by Mr. Watts, of Montgomery:

To amend Sections 11, 12, 13, 14, 15, 21, of Article 1.

The ordinance was referred to the Committee on Preamble and Declaration of Rights.

Ordinance 279, by Mr. Watts, of Montgomery:

To amend Sections 9, 10, 12, 17, 25, of Article VI.

The ordinance was referred to the Committee on Judiciary.

Ordinance 280, by Mr. J. W. A. Sanford:

To establish a bureau of Industrial Resources.

The ordinance was referred to the Committee on Executive Department.

Ordinance 281, by Mr. Selheimer:

Relating to the Judiciary in counties having a population of 40,000 or more.

The ordinance was referred to the Committee on Judiciary.

Ordinance 282, by Mr. Selheimer:

To exclude from any limitation upon the indebtedness of municipal corporations, obligations or bonds issued for street improvements, etc.

The ordinance was referred to the Committee on Municipal Corporations.

Ordinance 283, by Mr. Sentell:

Relating to education. That Section 7 of Article XIII be amended.

The ordinance was referred to the Committee on Education.

Ordinance 284, by Mr. Mac. A. Smith, of Autauga:

To amend Section 23 of Article IV of the Constitution of Alabama.

The ordinance was referred to the Committee on Local Legislation.

Ordinance 285, by Mr. Mac. A. Smith, of Autauga:

To prohibit the delegation of authority to levy taxes.

The ordinance was referred to the Committee on Legislative Department.

Ordinance 286, by Mr. Mac. A. Smith, of Autauga:

To prevent the contracting of a debt beyond the revenues of the State to meet.

The ordinance was referred to the Committee on Legislative Department.

Ordinance 287, by Mr. Thompson, of Bibb:

To amend Section 5 of Article XIII of the present Constitution.

The ordinance was referred to the Committee on Education.

Ordinance 288, by Mr. Thompson, of Bibb:

To provide for the election of Solicitors and County Officers, and prescribe the term of office.

The ordinance was referred to the Committee on Judiciary.

#### RESOLUTIONS.

Mr. Grayson offered the following resolution:

Resolved, That the official stenographer be required to state the day of the week as well as of the month at the head of the daily reports.

Upon the suggestion of the President the resolution was withdrawn, and the official stenographer was instructed to insert the day of the week in each of his daily reports.

#### REPORT OF STANDING COMMITTEES.

Upon motion of Mr. Williams, of Marengo, the call of standing committees was dispensed with.

#### ADJOURNMENT.

The hour of 1 o'clock p. m. having arrived, under the rules the Convention adjourned until to-morrow morning at 10 o'clock a. m.

## TWELFTH DAY.

## CONVENTION HALL.

Montgomery, Ala., Wednesday, June 5, 1901.

The Convention met pursuant to adjournment.  
Prayer was offered by Rev. Mr. Provence of the city.

## ROLL CALL.

On a call of the roll of the Convention the following delegates answered to their names, which constituted a quorum :

Messrs. President,	Coleman (Greene),
Almon,	Coleman (Walker),
Altman,	Cornwell,
Ashcraft,	Craig,
Banks,	Cunningham,
Barefield,	Davis (DeKalb),
Bartlett,	deGraffenried,
Beavers,	Duke,
Beddow,	Eley,
Bethune,	Eyster,
Blackwell,	Espy,
Boone,	Ferguson,
Brooks,	Fitts,
Browne,	Fletcher,
Bulger,	Foshee,
Burnett,	Foster,
Burns,	Freeman,
Byars,	Gilmore,
Cardon,	Graham (Montgomery),
Carinichael (Colbert),	Graham (Talladega),
Carmichael (Coffee),	Grayson,
Carnathon,	Greer (Calhoun),
Case,	Haley,
Chapman,	Handley,
Cofer,	Harrison,

Heflin (Chambers),  
Heflin (Randolph),  
Henderson,  
Hinson,  
Hodges,  
Hood,  
Howell,  
Howze,  
Inge,  
Jackson,  
Jones (Bibb),  
Jones (Hale),  
Jones (Wilcox),  
Kirk,  
Kirkland,  
Knight,  
Kyle,  
Leigh,  
Locklin,  
Long (Butler),  
Long (Walker),  
Lowe (Jefferson),  
Lowe (Lawrence),  
Macdonald,  
McMillan (Baldwin),  
McMillan (Wilcox),  
Malone,  
Martin,  
Maxwell,  
Merrill,  
Miller (Marengo),  
Miller (Wilcox),  
Moody,  
Mulkey,  
Murphree,  
NeSmith,  
Norman,  
Norwood,  
Oates,  
O'Neal (Lauderdale),

O'Neill (Jefferson),  
Opp,  
O'Rear,  
Palmer,  
Parker (Cullman),  
Parker (Elmore),  
Pearce,  
Pettus,  
Phillips,  
Pillans,  
Pitts,  
Porter,  
Proctor,  
Reese,  
Reynolds (Chilton),  
Reynolds (Henry),  
Robinson,  
Rogers (Lowndes),  
Rogers (Sumter),  
Sanders,  
Sanford,  
Searcy,  
Selheimer,  
Sentell,  
Sloan,  
Smith (Mobile),  
Smith, Mac. A.,  
Smith, Morgan M.,  
Sollie,  
Sorrell,  
Spears,  
Spragins,  
Stewart,  
Studdard,  
Tayloe,  
Thompson,  
Vaughan,  
Waddell,  
Walker,  
Watts,  
Weakley,



Weatherly,  
White,  
Whiteside,  
Williams (Barbour),

Williams (Marengo),  
Wilson (Clarke),  
Winn—138.

#### QUESTION OF PRIVILEGE.

Mr. Sanford, of Montgomery, arose to a question of personal privilege, and stated that the following appeared in this morning's Montgomery Advertiser:

"General Sanford, of Montgomery, seeks to have a committee raised to draft a new design for a State seal."

Mr. Sanford stated that he desired to call attention to the error contained in the above and foregoing extract. That his resolution seeks to provide for a design for a new State seal.

#### LEAVE OF ABSENCE.

Was granted to Messrs. Cobb, for to-day; Renfroe, for to-day; Ledbetter, for two days; Williams, of Elmore, for to-day; Jackson, for yesterday; Morrisette, for three days; Davis, of Etowah, for to-day; Sentell, for to-morrow; Henderson, for to-day; Jones, of Montgomery, for to-day; Weakley, for to-morrow; Wilson, of Washington, for to-day; Ashcraft, for to-morrow and Friday.

#### REPORT OF COMMITTEE ON JOURNAL.

The chairman of the Committee on the Journal submitted the following report:

The Committee on the Journal beg leave to report that they have examined the Journal for the eleventh day of the Convention, and that the same is correct.

Respectfully submitted,

JOHN F. PROCTOR, *Chairman.*

The report was concurred in.

## REPORT OF COMMITTEE ON RULES.

Mr. Smith, of Mobile, submitted the following report from the Committee on Rules:

The Committee on Rules beg leave to report that they have had under consideration the resolutions herein-after mentioned, and beg leave to report thereon as follows:

The committee reports adversely to resolution number 86, introduced by Mr. Long, of Walker, and recommends that it be not adopted by the Convention. Said resolution reads as follows:

Whereas, a resolution making an appropriation from the State Treasury of \$70 a day for the stenographic report of the proceedings of the Constitutional Convention was passed by this body without an aye and nay vote, and

Whereas, there are grave doubts as to the legality of such proceedings, and

Whereas, the stenographic reports as published show many errors, therefore, be it

Resolved, That the President of this Convention be and he is hereby requested to immediately cancel the contract for stenographic report, after paying all the expenses by the State connected therewith, to the date of cancellation.

The committee reports favorably on resolution number 105, introduced by Mr. Searcy, of Tuscaloosa, and recommends its adoption by the Convention. Said resolution reads as follows:

Resolved, That whereas this Convention has made a contract with Mr. Pat McGaully for stenographic reports of the proceedings of the Convention, wherein it was agreed to pay said McGaully seventy dollars for each working day of the Convention for such stenographic report, and whereas, there is now no authority in law for the auditor to draw his warrant on the Treasurer for payment of said stenographer, therefore

Be it ordained by the people of Alabama in Convention assembled, that there is hereby appropriated a sum sufficient to pay whatsoever shall be due to said stenog-

rapher, according to said contract, and the auditor is hereby authorized and empowered to draw his warrant on the Treasurer in favor of said stenographer for such sums as shall from time to time be certified to be due for such purpose by the President and Secretary of the Convention.

The committee reports back to the Convention resolution number 83, introduced by Mr. Pettus, of Limestone, without recommendation on its part, for the action of the Convention.

The committee reports back to the Convention resolution number 87, introduced by Mr. Vaughan, of Dallas, without recommendation on its part, for the action of the Convention.

The committee reports back to the Convention resolution number 102, introduced by Mr. Henderson, of Pike, without recommendation on its part, for the action of the Convention.

The committee reports as a substitute for resolution number 97, introduced by Mr. Winn, of Barbour, the following resolution, and recommends its adoption by the Convention:

Resolved, That it is the sense of this Convention that each ordinance offered shall contain but one subject matter, which shall be clearly expressed in the title, so that the same may be properly referred to the appropriate committee.

The committee reports adversely to resolution number 101, introduced by Mr. Watts, of Montgomery, and recommends that it be not adopted by the Convention for the reason that its purpose is covered by rule number 47. Said resolution reads as follows:

Resolved, That whenever either of the committees hereafter appointed, except the Committee on Rules, on Journal, and procuring ministers, is ready to report, the chairman thereof shall hand the said report to the Secretary of this Convention, who shall cause the said report to be printed and a copy thereof placed upon the desk of each member of the Convention before the said report is considered.

Second, that when any such report comes up for consideration by the Convention, each section or paragraph of said report shall be considered separately.

The committee herewith returns to the Convention the resolutions hereinabove referred to.

Mr. Long, of Walker, made the following motion :

I move to amend the report of the Committee on Rules by striking out the adverse report of resolution number 86, and substituting therefor the favorable consideration of said resolution, and placing the same upon its passage.

Mr. White raised the point of order that the motion of Mr. Long, of Walker, was out of order, in that it sought to make a report upon the committee. The point of order was not sustained.

Mr. White raised the further point of order that the motion of Mr. Long was out of order in that the said motion was in effect a reconsideration of the vote by which the resolution authorizing the stenographic report, was adopted.

The point of order was not sustained.

The question recurred upon the motion of Mr. Long, of Walker.

Mr. Harrison moved to table the motion of Mr. Long, of Walker.

And the motion to table prevailed, yeas 91; nays, 40.

#### YEAS.

Messrs. President,	Carmichael (Coffee),
Altman,	Carnathon,
Banks,	Case,
Bartlett,	Coleman (Greene),
Bethune,	Cornwell,
Blackwell,	Craig,
Boone,	deGraffenried,
Brooks,	Eley,
Browne,	Eyster,
Bulger,	Espy,
Burnett,	Ferguson,
Byars,	Fitts,
Carmichael (Colbert),	

Foshee,	Palmer,
Foster,	Parker (Cullman),
Freeman,	Parker (Elmore),
Gilmore,	Phillips,
Graham (Montgomery),	Pillans,
Graham (Talladega),	Pitts,
Greer (Calhoun),	Porter,
Handley,	Proctor,
Harrison,	Reynolds (Chilton),
Heflin (Chambers),	Rogers (Sumter),
Hodges,	Sanders,
Hood,	Searcy,
Howell,	Selheimer,
Jackson,	Sentell,
Jones (Hale),	Sloan,
Jones (Wilcox),	Smith (Mobile),
Knight,	Smith, Morgan M.,
Kyle,	Sollie,
Leigh,	Spears,
Macdonald,	Stewart,
McMillan (Baldwin),	Studdard,
McMillan (Wilcox),	Tayloe,
Martin,	Thompson,
Maxwell,	Vaughan,
Merrill,	Waddell,
Miller (Wilcox),	Walker,
Mulkey,	Watts,
Murphree,	Weakley,
NeSmith,	Weatherly,
Norwood,	White,
Oates,	Whiteside,
O'Neal (Lauderdale),	Wilson (Clarke).
O'Neill (Jefferson),	Winn—91.

## NOES.

Messrs. Almon,	Burns,
Ashcraft,	Cardon,
Barefield,	Chapman,
Beavers,	Cofer,
Beddow,	Coleman (Walker),

Davis (DeKalb),	Malone,
Duke,	Miller (Marengo),
Fletcher,	Moody,
Grayson,	Opp,
Haley,	O'Rear,
Heflin (Randolph),	Pearce,
Howze,	Pettus,
Inge,	Reynolds (Henry),
Jones (Bibb),	Robinson,
Kirkland,	Rogers (Lowndes),
Locklin,	Samford,
Long (Butler),	Smith, Mac. A.,
Long (Walker),	Spragins,
Lowe (Jefferson),	Williams (Barbour),
Lowe (Lawrence),	Williams (Marengo)—40.

Mr. Brooks asked that the report of the Committee on Rules be divided, so that the resolutions should be considered seriatim.

The request was granted, and each resolution was considered separately, as follows:

The committee reports adversely to resolution number 86, introduced by Mr. Long, of Walker, and recommends that it be not adopted by the Convention. Said resolution reads as follows:

Whereas, a resolution making an appropriation from the State Treasury of seventy dollars a day for a stenographic report of the proceedings of the Constitutional Convention, was passed by this body without an aye and nay vote; and

Whereas, there are grave doubts as to the legality of such a proceeding; and

Whereas, the stenographic reports as published show many errors; therefore be it

Resolved, That the President of this Convention be and he is hereby requested to immediately cancel the contract for stenographic report, after paying all the expenses by the State connected therewith, to the date of cancellation.

Mr. Brooks moved to concur in the report of the committee, which motion prevailed.

The committee reports favorably on resolution number 105, introduced by Mr. Searcy, of Tuscaloosa, and recommends its adoption by the Convention. Said resolution reads as follows:

Resolved, That whereas this Convention has made a contract with Mr. Pat McGauly for stenographic reports of the proceedings of the Convention, wherein it was agreed to pay said McGauly \$70 (seventy dollars) for each working day of the Convention for such stenographic report, and whereas there is now no authority in law for the auditor to draw his warrant on the Treasurer for payment of said stenographer, therefore be it ordained by the people of Alabama, in Convention assembled, that there is hereby appropriated a sum sufficient to pay whatsoever shall be due said stenographer according to said contract, and the Auditor is hereby authorized and empowered to draw his warrant on the Treasurer in favor of said stenographer for such sums as shall from time to time be certified to be due for such purpose by the President and Secretary of the Convention.

Mr. Knight moved to concur in the report of the committee, which motion prevailed.

The committee reports back to the Convention resolution number 83, introduced by Mr. Pettus, of Limestone, without recommendation on its part, for the action of the Convention.

Mr. Howell moved to concur in the report of the committee, and the motion prevailed.

Mr. Pettus moved to recommit the resolution to the Committee on Rules. The motion was lost.

Mr. Pettus offered the following amendment to the resolution:

Amend by adding "Provided, however, that the daily stenographic report shall set out all ordinances and resolutions introduced, in full."

Mr. Malone moved to table the resolution and amendment, and the motion prevailed.

The committee reports back to the Convention resolution No. 87, introduced by Mr. Vaughan, of Dallas,

without recommendation on its part, for the action of the Convention.

Mr. Smith, of Mobile, moved to concur in the report of the committee, and the motion prevailed.

Mr. Vaughan moved that the resolution be adopted, and the motion was lost.

Mr. Burnett moved to table resolution 87, which motion prevailed.

The committee reports back to the Convention resolution number 102, introduced by Mr. Henderson, of Pike, without recommendation on its part, for the action of the Convention.

Mr. Smith, of Mobile, moved to concur in the report of the committee, and the motion prevailed.

The committee reported as a substitute for resolution number 97, introduced by Mr. Winn, of Barbour, the following resolution, and recommends its adoption by the Convention:

Resolved, That it is the sense of this Convention that each ordinance offered shall contain but one subject matter, which shall be clearly expressed in the title, so that the same may be properly referred to the appropriate committee.

Mr. Smith, of Mobile, moved to adopt the substitute for resolution number 97, reported by the committee, which motion prevailed.

The committee reported adversely to resolution number 101, introduced by Mr. Watts, of Montgomery, and recommends that it be not adopted by the Convention, for the reason that its purpose is covered by rule number 47. Said resolution reads as follows:

Resolved, That whenever either of the committees hereafter appointed, except the Committee on Rules, on Journal, and procuring ministers, is ready to report, the chairman thereof shall hand the said report to the Secretary of this Convention, who shall cause the said report to be printed and a copy thereof placed upon the desk of each member of the Convention before the said report is considered.

Second, That when any such report comes up for consideration by the Convention each section or paragraph



of said report shall be considered separately.

Mr. Watts, of Montgomery, moved that the report of the committee be concurred in, which motion prevailed.

Mr. Smith, of Mobile, moved that the report be adopted as a whole, which motion prevailed.

#### RESOLUTIONS ON FIRST READING.

The following resolutions were introduced, severally read one time at length and referred to appropriate committees, as follows:

Resolution No. 117 (with document), by Mr. Williams, of Marengo:

Whereas, There appears to be great diversity of opinion as to the manner of appointment of Trustees, Faculty and Executive Officer of certain State educational institutions, and

Whereas, From years of association with the University of Virginia I believe that the methods employed therein governing that institution of learning are good;

Therefore, attached hereto is an unabridged copy of the laws of the University of Virginia for 1900, together with the code references from the laws of the State of Virginia in regard to said University, which are commended to the study and careful consideration of the Committee on Education, hoping that, therefrom, they will get much that is good tending to relieve the said institution in the State of Alabama from objectionable influences.

With the consent of the Convention, I beg that the attached exhibit be referred to the committee without reading before the Convention, and without printing.

The resolution was referred to the Committee on Education.

Resolution No. 118, by Mr. Barefield:

To provide for the payment of stationery and printing, etc.

That, whereas, it is necessary for this Convention to be supplied with the proper stationery and to have furnished for the use of the Convention various and sundry pamphlets, and

Whereas, the Secretary of the State is not empowered to contract for or to appropriate any money to pay for such expense, therefore be it resolved,

First, that the chairman of the Committee on Schedule, Printing and Incidental Expenditures be and is hereby authorized to appoint three members of said committee, with himself as chairman, to contract for such stationery and printing at the lowest expense, and to certify the various amounts due for said stationery and printing to the Secretary and President of this Convention, who shall be caused to be drawn a warrant on the Treasury of this State to pay same, and said amount when so drawn shall be charged up to the expenses of the Constitutional Convention.

Mr. Barefield moved that the rules be suspended and the resolution be adopted, and the motion prevailed.

Resolution 119, by Mr. Burns:

Resolved, That whereas it has been stated upon this floor, which statement has not been denied, refuted or controverted, that a stenographic verbatim report of the proceedings of this Convention can be furnished in pamphlet form, and one thousand or more copies of the same be delivered to the proper officers of the Convention prior to the hour of convening each day, at a saving of at least \$25 per diem to the taxpayers of the State.

And whereas, the publishing of the proceedings in proper pamphlet form would add to the convenience of the members and to the saving of much expense in the office of the Secretary from day to day, as well as in the final preparation, for the publication of the Journal.

That the Committee on Schedule, Printing and Incidental Expenditures be and are hereby authorized to send for persons and papers and thoroughly investigate this subject as early as practicable, and report as early as convenient.

The resolution was referred to the Committee on Schedules, Printing and Incidental Expenditures.

Resolution 120, by Mr. Grayson:

Resolved, That all resolutions authorizing the payment of any money shall be adopted only by a yea and nay vote.

The resolution was referred to the Committee on Schedule, Printing and Incidental Expenditures.

Resolution 121, by Mr. Long, of Walker:

Resolved, That hereafter no appropriation or contract requiring the payment of money from the State Treasury shall be passed by this Convention otherwise than by a ye and nay vote.

The resolution was referred to the Committee on Rules.

Ordinance 122, by Mr. Ferguson:

A resolution concerning the Suffrage.

Be it resolved by the people of Alabama, in Convention assembled, that the Committee on Suffrage and Elections be required to look into the legality and advisability of embodying the following suggestions in the Suffrage clause, to be submitted to this Convention, conferring the right to vote as follows:

First, on those citizens of the State not otherwise disqualified, who were born in the state of bondage or servitude, prior to the first day of January, 1863.

Second, on those citizens of the State and their descendants not otherwise disqualified, who were not born in a state of bondage or servitude prior to the first day of January, 1863.

The resolution was referred to the Committee on Suffrage and Elections.

#### ORDINANCES ON FIRST READING.

The following ordinances were introduced, severally read one time at length, and referred to appropriate committees, as follows:

Ordinance 289, by Mr. Banks:

To regulate elections in the State of Alabama.

The ordinance was referred to the Committee on Suffrage and Elections.

Ordinance 290, by Mr. Beddow:

To create a Railroad Commission.

The ordinance was referred to the Committee on Corporations.

Ordinance 291, by Mr. Blackwell:

To prohibit the appropriation of any part of the public school money in aid of church or sectarian schools.

The ordinance was referred to the Committee on Education.

Ordinance 292, by Mr. Waddell:

To amend Article VI of the present Constitution, relating to the Judiciary.

The ordinance was referred to the Committee on Judiciary.

Ordinance 293, by Mr. Bulger:

To regulate the right to vote in this State.

The ordinance was referred to the Committee on Suffrage and Elections.

Ordinance 294, by Mr. Burns:

To amend Section 1, Article XVII of the new Constitution.

The ordinance was referred to the Committee on Amending Constitution and Miscellaneous Provisions.

Ordinance 295, by Mr. Cofer:

To amend Section 5 of Article IV of the Constitution of Alabama, regulating terms of General Assembly, and pay of members, etc.

The ordinance was referred to the Committee on Legislative Department.

Ordinance 296, by Mr. Coleman, of Walker:

Relating to the Judiciary.

The ordinance was referred to the Committee on Judiciary.

Ordinance 297, by Mr. O'Neill, of Jefferson:

To limit the power of city or town to incur debt or issue bonds.

The ordinance was referred to the Committee on Municipal Corporations.

Ordinance 298, by Mr. Fitts:

To prescribe the mode of selection of the trustees of the University of Alabama.

The ordinance was referred to the Committee on Education.

Ordinance 299, by Mr. Fitts:

To declare the Governor ineligible for office for two years after the expiration of his term of office.

The ordinance was referred to the Committee on Executive Department.

Ordinance 300, by Mr. Graham, of Montgomery:

To prevent the General Assembly from depriving the municipalities of this State of their legitimate revenues. (Legislation.)

The ordinance was referred to the Committee on Municipal Corporations.

Ordinance 301, by Mr. Graham, of Montgomery:

To amend Section 2 of Article IV of the Constitution of Alabama. (Legislative Department.)

The ordinance was referred to the Committee on Legislative Department.

Ordinance 302, by Mr. Long, of Walker:

To amend Section 12 of Article V of the Constitution of Alabama.

The ordinance was referred to the Committee on Executive Department.

Ordinance 303, by Mr. Miller, of Wilcox:

Amendment of Article VIII, Constitution of 1875.

The ordinance was referred to the Committee on Suffrage and Elections.

Ordinance 304, by Mr. Moody:

To regulate primary elections in the State of Alabama.

The ordinance was referred to the Committee on Amendment of Constitution and Miscellaneous Provisions.

Ordinance 305, by Mr. Mulkey:

To amend Section 1 of Article X of the Constitution of Alabama.

The ordinance was referred to the Committee on Judiciary.

Ordinance 306, by Mr. Mulkey:

To amend Section 7 of Article X of the Constitution of Alabama.

The ordinance was referred to the Committee on Exemptions.

Ordinance 307, by Mr. Murphree:

To amend Section 7 of Article I of the Constitution

of Alabama. To provide for the speedy trial of prisoners.

The ordinance was referred to the Committee on Preamble and Declaration of Rights.

Ordinance 308, by Mr. Murphree:

To prevent the collection of more than the legal rate of interest, by means of commissions, premiums, or other devices of like nature.

The ordinance was referred to the Committee on Amending Constitution and Miscellaneous Provisions.

Ordinance 309, by Mr. Pillans:

Relating to the qualifications for the exercise of the Suffrage, (Article VIII, Constitution.)

The ordinance was referred to the Committee on Suffrage and Elections.

Ordinance 310, by Mr. J. W. A. Sanford:

To constitute the Governor, Secretary of State, Auditor and Treasurer Railroad Commissioners.

The ordinance was referred to the Committee on Corporations.

Ordinance 311, by Mr. J. W. A. Sanford:

To change the area of the counties by amending Section 2 of Article II of the Constitution.

The ordinance was referred to the Committee on State and County Boundaries.

Ordinance 312, by Mr. Mac. A. Smith, of Autauga:

To amend Section 2 of Article XVII of the Constitution of the State of Alabama.

The ordinance was referred to the Committee on Amendments to the Constitution and Miscellaneous Provisions.

Ordinance 313, by Mr. Watts, of Montgomery:

To amend Section 7 of Article XI.

The ordinance was referred to the Committee on Municipal Corporations.

Ordinance 314, by Mr. Watts:

To amend Section 4 of Article XI.

The ordinance was referred to the Committee on Taxation.

Ordinance 315, by Mr. Watts:

To amend Sections 1, 2 and 7 of Article X, and to add a section to said article.

The ordinance was referred to the Committee on Exemptions.

Ordinance 316, by Mr. Watts:

To add an independent section to the Constitution of Alabama.

The ordinance was referred to the Committee on Judiciary.

Ordinance 317, by Mr. Watts:

To add an independent section to the Constitution of Alabama, relating to corporations.

The ordinance was referred to the Committee on Corporations.

Ordinance 318, by Mr. Watts:

To add a section to Article VI, and amend Section 25 of Article VI.

The ordinance was referred to the Committee on Judiciary.

Ordinance 319, by Mr. Weakley.

Relating to the construction of street railways, gas, water, steam or hot water heating, telephone, telegraph, electric light or power plant, in or on the streets, avenues or alleys of towns or cities.

The ordinance was referred to the Committee on Municipal Corporations.

#### REPORT OF STANDING COMMITTEES.

The chairman of the several committees reported favorably the following ordinances, which were severally read a second time at length, and placed on the calendar, and 300 copies of each ordered printed:

By Mr. Weakley, chairman of the Committee on Corporations:

Resolution 23 (with substitute):

In reference to rate of taxation, State and County, and the issuance of bonds by counties and municipalities.

Ordinance 183 (with substitute):

To regulate the organization and classification of cities and towns.

Ordinance 186 (with substitute) :

To provide for the organization, classification and government of villages, towns and cities in Alabama.

The following was offered as a substitute for both of the foregoing ordinances 183 and 186, relating to the organization and classification of cities :

Ordinance to regulate the organization and classification of cities and towns.

The Committee on Municipay Corporations reported adversely ordinance No. 78.

Ordinance No. 78 :

To regulate the granting of franchises by municipal corporations.

Mr. Brooks moved to table the ordinance, which motion prevailed.

SCHEDULE, PRINTING AND INCIDENTAL EXPENSES.

Mr. Heflin, of Randolph, chairman of the Committee, reported favorably the resolution No. 25.

Resolution 25 :

Resolved, That the Secretary of this Convention be and he is hereby instructed to preserve five (5) copies of the printed stenographic report of the proceedings of this Convention, and when said report is completed, cause the same to be bound and deposited in the office of the Secretary of State.

June 5th, 1901, reported favorably by Committee on Schedules, Printing and Incidental Expenses. R. 2, Cal.

Which was read at length a second time and placed on the calendâr.

ADJOURNMENT.

The hour of 1 o'clock p. m. having arrived, under the rules the Constitutional Convention adjourned until 10 o'clock to-morrow.



## THIRTEENTH DAY.

## CONVENTION HALL.

Montgomery, Ala., Thursday, June 6, 1901.

The Convention met pursuant to adjournment.

Prayer was offered by Rev. Mr. Provence of the city.

## ROLL CALL.

On a call of the roll of the Convention, the following delegates answered to their names, which constituted a quorum :

Messrs. President,	Cunningham,
Almon,	Davis (DeKalb),
Altman,	Davis (Etowah),
Banks,	deGraffenried,
Barefield,	Duke,
Bartlett,	Eley,
Beavers,	Eyster,
Beddow,	Espy,
Bethune,	Ferguson,
Blackwell,	Fitts,
Boone,	Fletcher,
Brooks,	Foshee,
Burnett,	Foster,
Burns,	Freeman,
Byars,	Gilmore,
Cardon,	Glover,
Carmichael (Colbert),	Graham (Montgomery),
Carmichael (Coffee),	Graham (Talladega),
Carnathon,	Grant,
Case,	Grayson,
Chapman,	Greer (Calhoun),
Cofer,	Greer (Perry),
Coleman (Greene),	Haley,
Coleman (Walker),	Handley,
Cornwell,	Harrison,
Craig,	Heflin (Chambers),

Heflin (Randolph),	Pettus,
Henderson,	Phillips,
Hinson,	Pillans,
Hodges,	Pitts,
Hood,	Porter,
Howze,	Proctor,
Inge,	Reese,
Jackson,	Renfro,
Jenkins,	Reynolds (Chilton),
Jones (Bibb),	Reynolds (Henry),
Jones (Hale),	Robinson,
Jones (Montgomery),	Rogers (Lowndes),
Jones (Wilcox),	Rogers (Sumter),
Kirk,	Samford,
Kirkland,	Sanders,
Knight,	Sanford,
Kyle,	Searcy,
Ledbetter,	Selheimer,
Leigh,	Sloan,
Locklin,	Smith (Mobile),
Lowe (Lawrence),	Smith, Mac. A.,
Macdonald,	Smith, Morgan M.,
McMillan (Baldwin),	Sollie,
McMillan (Wilcox),	Spears,
Malone,	Spragins,
Martin,	Stewart,
Maxwell,	Studdard,
Merrill,	Tayloe,
Miller (Marengo),	Thompson,
Miller (Wilcox),	Vaughan,
Moody,	Waddell,
Mulkey,	Walker,
Murphree,	Watts,
NeSmith,	Weatherly,
Norman,	White,
Norwood,	Whiteside,
Oates,	Willett,
Opp,	Williams (Barbour),
O'Rear,	Williams (Marengo),
Palmer,	Williams (Elmore),
Parker (Cullman),	Wilson (Clarke),
Parker (Elmore),	Wilson (Washington).
Pearce,	Winn—138.

## LEAVE OF ABSENCE.

Was granted to Messrs. Williams, of Elmore, for to-day; Bulger, for to-day; O'Neal, of Lauderdale, for to-day; Byars, indefinitely; Smith, Mac. A., for to-morrow; Davis, of DeKalb, for to-morrow and Saturday; Long, of Walker, indefinitely; Lomax, for to-day; Locklin, for to-day.

COMMITTEE GRANTED LEAVE TO SIT DURING SESSION.

On motion of Mr. White, the Committee on Suffrage and Elections were granted leave to sit during the session of to-day.

## SUSPENSION OF THE RULES.

Mr. deGraffenried moved that the rules be suspended in order that he could make a motion to postpone the consideration of the ordinances and resolutions reported from the Committee on Municipal Corporations, and now upon the calendar.

Mr. Samford moved as a substitute for the motion of Mr. deGraffenried that the rules be suspended and that the further consideration of the ordinances and resolutions reported from the Committee on Municipal Corporations, and now upon the calendar, be postponed until the Committee on Municipal Corporations shall have reported a full and complete article touching said subject.

Mr. deGraffenried accepted the substitute for his motion.

The rules were suspended, and the motion of Mr. Samford prevailed.

## STENOGRAPHIC REPORT.

Mr. Robinson called the attention of the Convention to the fact that ordinance No. 78, "An ordinance to regulate the granting of franchises by municipal corporations.

"Be it ordained by the people of Alabama in Convention assembled, that no municipal corporation shall

grant an exclusive franchise to an individual or private corporation unless an election be held under the laws regulating municipal elections, and a majority of the qualified voters voting at such election vote for the granting of such franchise," which was reported adversely on yesterday by the Committee on Municipal Corporations, and the action of the Convention in tabeling the same, did not appear in the stenographic report of the proceedings of yesterday, the twelfth day.

The President ordered the report corrected accordingly.

#### REPORT OF COMMITTEE ON JOURNAL.

The chairman of the Committee on the Journal submitted the following report:

The Committee on the Journal beg leave to report that they have examined the Journal for the twelfth day of the Convention, and that the same is correct.

Respectfully submitted,

JOHN F. PROCTOR, *Chairman.*

The report of the committee was concurred in.

#### QUESTION OF PRIVILEGE.

Mr. Sloan arose to a question of personal privilege, and stated that his postoffice address as shown in the records of this Convention was incorrect in that it gave his postoffice address at Sloan, when it should be Oneonta.

The President ordered the necessary correction made.

#### RESOLUTIONS ON FIRST READING.

The following resolutions were introduced, severally read one time at length and referred to appropriate committees, as follows:

Resolution 123, by Mr. Foster:

Whereas, This Convention has now been in session two weeks, and a great many ordinances have been intro-

duced and referred to the several committees, and

Whereas, the ordinances heretofore introduced relate to the amending of only a few of the provisions of the present Constitution, thus manifesting the desire of the delegates to retain intact most of the provisions of the present Constitution, and

Whereas, longer and more frequent sessions of the several committees are necessary to expedite the work of this Convention; therefore, be it

Resolved, First—That after the 10th day of June inst. no ordinances proposing amendments to the present Constitution, or additions thereto, shall be introduced before the Convention.

Second—That when the Convention adjourns on the 10th inst. it recess for one week.

Third—That the several standing committees shall, during such recess, hold daily sessions, and shall on the first day of the meeting of the Convention after such recess, report back to the Convention, for its action, articles or chapters, for the proposed new Constitution, which relate to or affect the subjects indicated by the titles of the respective committees.

Fourth—That such articles or chapters so reported shall be typewritten and in a completed or entire form, and subdivided into sections, such sections being consecutively numbered, after the manner of the present Constitution.

Fifth—That nothing herein contained shall be construed so as to prevent any delegate from proposing amendments to the reports of the several committees.

The resolution was referred to the Committee on Rules.

Resolution No. 124, by Mr. Sanders:

Resolved, That hereafter all requests for leaves of absence shall be in writing, and laid upon the President's desk each morning before the assembling of the Convention. The President shall announce the names of those for whom leave of absence is sought, and if there is no objection, leaves shall be granted. Said request may be proffered by any member for other members.

The resolution was referred to the Committee on Rules.

Mr. Sanders moved that the rules be suspended and that the resolution be adopted.

The motion was lost, and the resolution was referred to the Committee on Rules.

Resolution 125, by Mr. Jackson :

Resolved, That all ordinances or resolutions referred to the Committee on Rules and reported back to this Convention without action thereon by said committee, shall be placed upon the calendar, to be called up in their regular order.

The resolution was referred to the Committee on Rules.

Resolution No. 126, by Mr. Kirk :

Relating to the formation of new counties.

Resolved, That in the Constitution to be framed by this Convention, it shall be provided that no new county shall be formed of less extent than six hundred square miles, as now provided by the Constitution of 1875.

The resolution was referred to the Committee on State and County Boundaries.

Resolution 127, by Mr. Mac. A. Smith, of Autauga :

Resolved, That whenever a committee has voted adversely to an ordinance, resolution, petition or memorial which has been referred for its consideration, such adverse action need not be reported by the Committee to the Convention unless the same be called for by a vote of one-fifth of the members present, when such ordinance, resolution, petition or memorial shall then be reported by the Committee, with its adverse action thereon, and the same shall be placed on the calendar and come up, in regular order, for consideration by the Committee.

The resolution was referred to the Committee on Rules.

Resolution 128, by Mr. Williams, of Elmore :

To base representation in the General Assembly of Alabama upon the voting population of the various counties of the State.

Be it resolved by this Convention, That all representation in the General Assembly of Alabama shall be fixed by this Convention and be based upon the voting population of the several respective counties of the State.

The resolution was referred to the Committee on Representation.

Resolution 129, by Mr. Oates :

Resolved, That the Committee on Legislative Department be authorized to employ a clerk for so long as said committee may need his services.

Mr. Brooks moved that the rules be suspended and the resolution be adopted.

The motion prevailed, and the rules were suspended and the resolution was adopted.

Resolution 130, by Mr. Carmichael, of Colbert :

Resolved, That hereafter the committees of the Convention shall not report to the Convention ordinances and resolutions which have been adversely acted upon; provided, any member of the Convention may on any day immediately after the report of the committee to which an ordinance has been referred and adversely acted upon, move to recall said ordinance from said committee, and said ordinance may, upon a majority vote of the Convention, be placed upon the calendar for consideration by the Convention; provided, this resolution shall not apply to the Committee on Rules.

The resolution was referred to the Committee on Rules.

#### POINT OF ORDER.

Mr. Cofer raised the point of order that no quorum had voted on the motion of Mr. Brooks to suspend the rules and adopt resolution 129.

Mr. Heflin raised the point of order that Mr. Cofer was out of order, in that his (Cofer's) motion came too late, other business having intervened.

The point of order of Mr. Heflin was sustained.

## ORDINANCES ON FIRST READING.

The following ordinances were introduced, severally read one time at length, and referred to appropriate committees, as follows:

Ordinance 320, by Mr. Banks:

Providing for the collection of taxes.

The ordinance was referred to the Committee on Executive Department.

Ordinance 321, by Mr. Espy:

To amend Section 1 of Article VI of the Constitution.

The ordinance was referred to the Committee on Judiciary.

Ordinance 322, by Mr. Foshee:

Providing that the representation be based on the white population only.

The ordinance was referred to the Committee on Representation.

Ordinance 323, by Mr. Grayson:

To repeal Section 8 of Article XI of the Constitution.

The ordinance was referred to the Committee on Taxation.

Ordinance 324, by Mr. Harrison:

To amend Section 21 of Article IV of the Constitution.

The ordinance was referred to the Committee on Legislative Department.

Ordinance 325, by Mr. Heflin, of Randolph:

To amend Sections 3, 5, and 6, of Article IV of the Constitution of Alabama.

The ordinance was referred to the Committee on Legislative Department.

Ordinance 326, by Mr. Miller, of Wilcox:

To provide for the election of County Superintendent of Education, and the County Board of Education, and to define their duties.

The ordinance was referred to the Committee on Education.

Ordinance 327, by Mr. Pearce:

That after the adoption of this Constitution no person learned in the law shall be eligible to hold any office under the State except of a judicial nature.



The ordinance was referred to the Committee on Judiciary.

Ordinance 328, by Mr. W. H. Sanford:

To amend Section 21, Article I of the Constitution.

The ordinance was referred to the Committee on Preamble and Declaration of Rights.

Ordinance 329, by Mr. J. W. A. Sanford:

To strike out Section 35 from the Declaration of Rights.

The ordinance was referred to the Committee on Preamble and Declaration of Rights.

Ordinance 330, by Mr. Watts:

To require the General Assembly to enlarge the State Capitol grounds.

The ordinance was referred to the Committee on Legislative Department.

Ordinance 331, by Mr. Williams, of Marengo:

To regulate the conveying of homesteads by executory contract.

The ordinance was referred to the Committee on Exemptions.

#### REPORT OF STANDING COMMITTEES.

The several standing committees were called for reports, but none were submitted.

#### ADJOURNMENT.

On motion of Mr. Waddell, the Convention adjourned until to-morrow morning at 10 o'clock a. m.

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### FOURTEENTH DAY.

#### CONVENTION HALL.

Montgomery, Ala., Friday, June 7, 1901.

The Convention met pursuant to adjournment.

Prayer was offered by Rev. Mr. Elliott of the city.

ROLL CALL.

On a call of the roll of the Convention, the following delegates answered to their names, which constituted a quorum :

Messrs. President,	Fitts,
Almon,	Fletcher,
Altman,	Foshee,
Ashcraft,	Foster,
Banks,	Gilmore,
Barefield,	Glover,
Bartlett,	Graham (Montgomery),
Beavers,	Graham (Talladega),
Beddow,	Grant,
Bethune,	Grayson,
Blackwell,	Greer (Calhoun),
Boone,	Greer (Perry),
Brooks,	Haley,
Browne,	Handley,
Burnett,	Harrison,
Burns,	Heflin (Chambers),
Cardon,	Heflin (Randolph),
Carmichael (Colbert),	Henderson,
Carmichael (Coffee),	Hodges,
Case,	Hood,
Chapman,	Howell,
Cobb,	Howze,
Cofer,	Inge,
Coleman (Greene),	Jackson,
Coleman (Walker),	Jenkins,
Cornwell,	Jones (Bibb),
Craig,	Jones (Hale),
Cunningham,	Jones (Wilcox),
Davis (Etowah),	Kirk,
deGraffenried,	Kirkland,
Duke,	Knight,
Eley,	Kyle,
Eyster,	Ledbetter,
Espy,	Leigh,
Ferguson,	Lockin,
	Lomax,

Long (Butler),	Reynolds (Chilton),
Lowe (Jefferson),	Reynolds (Henry),
Lowe (Lawrence),	Robinson,
Macdonald,	Rogers (Lowndes),
McMillan (Baldwin).	Rogers (Sumter),
McMillan (Wilcox),	Sanders,
Malone,	Sanford,
Martin,	Searcy,
Maxwell,	Selheimer,
Merrill,	Sentell,
Miller (Marengo).	Sloan,
Miller (Wilcox),	Smith (Mobile),
Moody,	Smith, Morgan M.,
Mulkey,	Sollie,
Murphree,	Sorrell,
NeSmith,	Spears,
Norman,	Spragins,
Norwood,	Stewart,
Oates,	Studdard,
O'Neill (Jefferson),	Tayloe,
O'Neal (Lauderdale),	Thompson,
Opp,	Vaughan,
O'Rear,	Waddell,
Palmer,	Walker,
Parker (Cullman),	Weakley,
Parker (Elmore),	Weatherly,
Pearce,	White,
Pettus,	Whiteside,
Phillips,	Willett,
Pillans,	Williams (Barbour),
Pitts,	Williams (Marengo),
Porter,	Williams (Elmore),
Proctor,	Wilson (Clarke),
Reese,	Wilson (Washington),
Renfro,	Winn—141.

#### LEAVE OF ABSENCE

Was granted to Messrs. Carnathon, indefinitely; Norwood, for to-morrow; Freeman, until Tuesday; Bethune, for to-morrow; Martin, for to-morrow; Bartlett, for to-

morrow and Monday; Ledbetter, for to-day and to-morrow; Smith, M. M., of Autauga, to-morrow and Monday; Burnett, for to-morrow; Kirkland, for to-morrow and Monday; Bulger, for to-day; Renfroe, for to-morrow; Palmer, for to-morrow and Monday; Sentell, indefinitely; Vaughan, for to-morrow; Cobb, for yesterday; Howell, for yesterday; Leigh, for to-morrow; Heflin, of Randolph, for to-morrow; Craig, for to-morrow and Monday.

COMMITTEE GRANTED LEAVE TO SIT DURING SESSION.

On motion of Mr. Coleman, of Greene, the Committee on Suffrage and Elections was granted leave to sit during to-day's session.

MOTION TO ADJOURN.

Mr. Renfro moved that when the Convention adjourn to-day that it adjourn until 12 o'clock on Monday.

The motion was lost.

REPORT OF COMMITTEE ON JOURNAL.

The chairman of the Committee on the Journal submitted the following report:

The Committee on the Journal beg leave to report that they have examined the Journal for the thirteenth day of the Convention, and that the same is correct.

Respectfully submitted,

JOHN F. PROCTOR, *Chairman.*

The report of the committee was concurred in.

REPORT OF COMMITTEE ON RULES.

Mr. Smith, of Mobile, acting chairman of the Committee on Rules, submitted the following report:

The Committee on Rules begs leave to report that it has had under consideration the resolutions hereinafter mentioned, and begs to report thereon as follows:

The committee reports back to the Convention resolution number 114, introduced by Mr. Sanford, of Mont-

gomery, without recommendation on its part, for the action of the Convention.

The committee herewith returns to the Convention the resolution hereinabove mentioned.

Mr. Sanford moved that the resolution, 114, be adopted by the Convention.

The motion was lost.

#### RESOLUTIONS ON FIRST READING.

The following resolutions were introduced, severally read one time at length and referred to appropriate committees, as follows:

Resolution 131, by Mr. Burns:

Resolved first, That the Committee on Judiciary be requested to frame an ordinance that will prohibit Justices of the Peace trying or finally disposing of criminal cases wherein they are entitled to fees or costs, to define their jurisdiction, as to territory and misdemeanors.

Resolved second, That it is the sense of this Convention that no judicial officer should ever be interested in the termination or result of any case, criminal or civil, over which he may have jurisdiction; and that he should be paid the sum of \$3 for each criminal case brought before and legally disposed of by him, to be paid through the Probate Judge of his county.

The resolution was referred to the Committee on Judiciary.

Resolution 132, by Mr. Carmichael, of Colbert:

Resolved, That the Committee on Order, Consistency and Harmony of the Constitution shall include in its report of the proposed Constitution all of the provisions of the present Constitution not amended, altered, changed or stricken out, as well as all amendments, changes and additions that may be made to the present Constitution.

The resolution was referred to the Committee on Rules.

Resolution 133, by Mr. Carmichael, of Colbert:

Resolved, That the several standing committees shall not report to the Convention any ordinance unless the

same amends, changes, alters or adds to the present Constitution, or strikes out parts thereof, and when so reporting shall only report the section amended, changed or altered of the proposed addition.

The resolution was referred to the Committee on Rules.

Resolution 134, by Mr. Jones, of Montgomery:

Resolved, That the President express to Governor W. J. Samford the deep interest of the members of this Convention in his welfare, and their earnest wishes for his speedy restoration to health.

On motion of Mr. Jones, of Montgomery, the rules were suspended and the resolution was unanimously adopted by a rising vote.

Resolution 135, by Mr. Knight:

A resolution to abolish the offices of State and County Back Tax Commissioners:

Resolved, That the Constitution about to be framed shall contain a provision abolishing the offices of State and County Back Tax Commissioners.

The resolution was referred to the Committee on Executive Department.

Resolution 136, by Mr. Proctor:

Resolved, That on and after the passage of this resolution, all requests for leave of absence shall be reduced to writing, and sent to the Secretary's desk by 12 o'clock of each day, and passed on by the Convention at that hour. And that no other requests for absence shall be considered at any other time.

The resolution was referred to the Committee on Rules.

Resolution 137, by Mr. Williams, of Elmore:

To provide for the distribution or disposal of the poll taxes collected under the suffrage clause adopted by this Convention.

Be it resolved, That if this Convention adopts the payment of a poll tax as a requisite qualification to suffrage, that said poll taxes shall be applied to the support of the public schools in the counties in which such taxes are levied and collected.

The resolution was referred to the Committee on Education.

ORDINANCES ON FIRST READING.

The following ordinances were introduced, severally read one time at length, and referred to appropriate committees, as follows:

Ordinance 332, by Mr. Blackwell:

To amend Article VIII of the Constitution, regulating the right to vote by striking out the whole of said article.

The ordinance was referred to the Committee on Suffrage and Elections.

Ordinance 333, by Mr. Lomax, of Montgomery:

To amend the Constitution of Alabama by adding to Article IV a section.

The ordinance was referred to the Committee on Local Legislation.

Ordinance No. 334, by Mr. NeSmith, by request:

To amend Article VIII of the Constitution.

The ordinance was referred to the Committee on Suffrage and Elections.

Ordinance 335, by Mr. Porter:

To repeal Section 7 of Article X of the Constitution of Alabama.

The ordinance was referred to the Committee on Exemptions.

Ordinance 336, by Mr. Reynolds, of Chilton:

To regulate and control the employment of children in factories and other public works.

The ordinance was referred to the Committee on Corporations.

Ordinance 337, by Mr. Reynolds, of Chilton:

To amend Section 5 of Article VIII of the Constitution of the State of Alabama.

The ordinance was referred to the Committee on Suffrage and Elections.

Ordinance 338, by Mr. Reynolds, of Chilton:

To amend Section 2 of Article VIII of the Constitution of Alabama.

The ordinance was referred to the Committee on Suffrage and Elections.

Ordinance 339, by Mr. Reynolds, of Chilton:

To amend Article VIII of the Constitution of the State of Alabama, by adding new sections 8 and 9.

The ordinance was referred to the Committee on Suffrage and Elections.

Ordinance 340, by Mr. J. W. A. Sanford:

To amend Section 31 of Article IV of the Constitution of Alabama.

The ordinance was referred to the Committee on Legislative Department.

Ordinance 341, by Mr. M. M. Smith, of Autauga:

For the equitable distribution of the surplus moneys arising from the sale of fertilizer tags.

The ordinance was referred to the Committee on Legislative Department.

#### MEMORIALS.

The following memorial was offered by Mr. Pillans, of Mobile, by request, and the same was read at length and referred to the Committee on Suffrage and Elections:

*Mr. President, and Members of the Constitutional Convention, Montgomery:*

Dear Sirs—Perhaps the most important matter to be considered by your august body is the question bearing on the civil and political rights of the negro.

Speaking as an ex-slave, a native of Alabama, with an experience as a public man covering a period of nearly thirty years, all of which time has been spent in the moral, educational and religious interests of my race, permit me to say, that every law-abiding, property-holding, intelligent negro in Alabama, every one with a family, and contributes by his material wealth and worth to the common wealth and worth of our great State—is looking with abiding faith to your Convention, and hoping that in the framing of the organic law of Alabama, you will recognize the following facts:



First—That the negro and the Southern white man, in the province of God, are here together, and here to stay.

Second—The interests of the two races are identical, and like the Union of the States, "one and inseparable."

Third—The intelligent, law-abiding negro is a patriotic and loyal citizen of his State.

Fourth—The law-abiding negro has used well the privileges granted him in acquiring education, in accumulating property, in establishing himself in the confidence of his neighbors, and in elevating himself as a citizen.

Fifth—The intelligent and law-abiding negro in every community where he lives seeks to aid an approbation of his sympathetic and fair-minded white neighbor.

Sixth—The feeling of amity and mutual dependence between the better classes of the two races is growing stronger in every community where their interests merge into each other.

Seventh—The better class of colored people strongly desire to unite with the better class of white people on common grounds of the material and the economic advancement of our great and resourceful State.

Eighth—The intelligent negro, conscious of the liberality and partiality of the white tax payers of the State is grateful for the enormous expenditure of money upon the common schools of his race—a sum far exceeding the amount paid into the treasury by the tax payers of his own race. This of itself, by the law of gratitude, binds us to our white fellow citizens with ties which only the white Southern man himself can sever.

Ninth—Last, but not least, the better classes of the two races in the South are closer together now, and understand each other better than in any other period since the days of reconstruction.

Now, if you admit the above statement of facts, allow me to respectfully ask of your august body:

That you so frame your organic law on the suffrage and school questions that the intelligent, struggling, honest, law-abiding, patriotic negro citizen will be encouraged in his efforts to elevate himself to a standard

worthy the name of Southern citizenship—a standard at once reflecting credit on himself and his great State.

By doing this you will not only justify the abiding faith of your “Brother in Black,” but your names will go down with honor to posterity, and in the ages to come, generations will rise up and call you blessed.

Respectfully submitted,

A. F. OWENS, *Pastor, Etc.*

Mobile, June 6th, 1901.

#### REPORTS OF STANDING COMMITTEES.

Mr. Jones, of Montgomery, chairman of the Committee on Executive Department, submitted the following report:

*Mr. President:*

The Committee on the Executive Department instructs me to report herewith an ordinance to take the place of the article in the present Constitution on the subject.

The committee has not deemed it necessary to report specially upon the several ordinances or resolutions referred to it. All of them have been maturely considered, and the principles of some have been incorporated in the article. The reading of the article as reported, will enable the Convention and the authors of the ordinances and resolutions referred to us to see how far their respective suggestions have been adopted. These ordinances and resolutions are herewith respectfully returned.

The material changes reported are as follows:

The office of Lieutenant Governor is created. The name of the office of Commissioner of Agriculture is changed to that of Commissioner of Agriculture and Industries, and both are made officers of the Executive Department. The terms of the officers of the Executive Department elected hereafter are lengthened from two to four years. The Lieutenant Governor, the Commissioner of Agriculture and Industries, and the Superintendent of Education are included among the officers, the returns of whose election are required to be directed

to the Speaker. To remove uncertainty as to the Speaker's powers and duties under Section 4, in counting the votes, it is provided that his duties are ministerial, and his decisions subject to the control of the Joint Convention. The officers of the Executive Department, after the first election under the Constitution, are made ineligible to succeed themselves. The Governor is made ineligible to any office under this State within one year after the expiration of his term; and his acceptance of the office is a pledge to the people not to accept an election or appointment to the Senate of the United States during his term, or at any time within one year thereafter. The salary of the Governor is fixed at five thousand dollars per annum, to take effect on the adoption of the Constitution, and the article contains the usual limitations upon the legislative power to increase or diminish the compensation of the Executive Officers during their term.

Section 9 of the present article of the Constitution has been amended to provide for the case of a refusal to give information when required by the Governor.

A Board of Pardons is created, to meet on the call of the Governor, which shall sit in public, before whom shall be laid all recommendations or petitions for commutations, pay rolls or pardons in cases of felony, which Board must advise with the Governor; after which, or delay to act for more than sixty days, the Governor may act as to him seems best for the public interest. He is also required to report to the General Assembly, the opinions of the Board of Pardons, as well as his own reasons, in all cases of felony, in which he acts favorably.

Section 13 of the present Constitution has been amended so as to authorize the two Houses, when the Governor vetoes a bill, to amend it to meet his objections, instead of passing it over his veto. The Governor is given ten days after final adjournment in which to approve bills, before him at that time. A recess of the General Assembly, as well as adjournment, excuses the Governor from returning a bill within six days, the time fixed in the article within which, if the General Assembly is in session, the Governor must return a bill, or it

will become a law. Section 14 provides the procedure in case of a veto of a part of an appropriation bill to remove doubt, heretofore existing, whether the organic bill shall be returned in such case.

Careful provision is made in Section 15, defining the order of succession when the Governor dies, resigns or is removed from office, and when he is impeached, or absent or under other disabilities; and specific provision is made for the contingency of the Governor-elect's failure or refusal, or that of the Lieutenant Governor-elect, to qualify, from any cause, and the succession defined in that event.

Section 16 is a new provision, to meet the contingency of the Governor or other officer administering the office of Governor, becoming of unsound mind, and provides for the ascertainment thereof. Similar provision is made with reference to the other officers of the Executive Department.

Section 20 is a new section, prohibiting the Governor from appointing any member of the General Assembly to office during the term for which the member shall have been elected.

A new section has been added, constituting the Governor, Lieutenant Governor and Attorney General a Board of Conciliation, with provision for the addition of two citizens in each case, if thought proper, for the adjustment of differences between employer and employe. The finding of the Board is to be advisory merely; unless both parties have agreed in writing, in advance, to perform the award, when it may be enforced by proceedings in the courts, under rules and regulations to be prescribed by law.

A new section has also been added allowing the Governor, Auditor and Treasurer, or the Governor and either of the other officers, when there is a surplus in the Treasury, not immediately needed, to loan it out on call, or for such time as they may deem advisable, taking bonds of the United States or of this State as collateral to the full amount loaned, with interest, and providing how such loan shall be made.

The section regarding Sheriffs has been amended, to provide in substance: If a prisoner is taken from the custody of the law, owing to the neglect, connivance, cowardice or other grave fault of the Sheriff, and is put to death or suffers grievous bodily harm, the Sheriff may be impeached before the Supreme Court, and the Governor is authorized, after hearing, to suspend the Sheriff from office, until the impeachment proceedings are determined.

The committee refrains from discussing at this time the reasons for the changes reported; since the merits or demerits of the amendments will readily occur to the members, and be fully disclosed and discussed when the proposed article is passed upon by the Convention. Upon three of the amendments, the members of the committee are not all agreed; and as to these the dissenting members reserve liberty of action, without now making a final minority report.

THOMAS G. JONES, *Chairman*.

The undersigned member of the Committee on Executive Department does not concur in the report of the Committee as to Sections 7 and 27, and he offers as a substitute for Section 7 the following:

Sec. 7. The Governor, Lieutenant Governor, Secretary of State, State Auditor and Attorney General shall receive compensation for their services which shall be fixed by law, and which shall not be increased or diminished during the term for which they shall have been elected, and shall, except the Lieutenant Governor, reside at the State Capitol during the time they continue in office, except in cases of epidemic.

And he further recommends that Section 27 (which relates to the loaning of money in the State Treasury) as reported by said committee, be stricken out, and do not pass.

Respectfully submitted,

WATKINS M. VAUGHAN.

An ordinance to create and define the Executive Department.

Be it ordained by the people of Alabama, in Convention assembled, that Article V of the Constitution be stricken out, and the following article inserted in lieu thereof:

## ARTICLE V.

### EXECUTIVE DEPARTMENT.

Section 1. The Executive Department shall consist of a Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, Attorney General, Superintendent of Education, Commissioner of Agriculture and Industries, and a Sheriff for each county.

Sec. 2. The supreme executive power of this State shall be vested in a chief magistrate, who shall be styled "the Governor of the State of Alabama."

Sec. 3. The Governor, Lieutenant Governor, Secretary of State, State Treasurer, State Auditor, Attorney General, Superintendent of Education, and Commissioner of Agriculture and Industries, shall be elected every four years by the qualified electors of this State, at the same time and places appointed for the election of members of the General Assembly.

Sec. 4. The returns of every election for Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, Attorney General, Superintendent of Education, and Commissioner of Agriculture and Industries, shall be sealed up and transmitted by the returning officers to the seat of government, and directed to the Speaker of the House of Representatives, who shall during the first week of the session to which said returns shall be made, open and publish them in the presence of both Houses of the General Assembly in joint convention; but the Speaker's duty shall be purely ministerial, in this respect and any objection to any return on account of informality, defect or other cause, shall be decided by the Speaker, subject to the control of the majority of the joint convention. The person having the highest number of votes for either of said offices shall be declared duly elected; but if two or more persons

shall have an equal and highest number of votes for the same office, the General Assembly, by joint vote, without delay, shall choose one of said persons for said office. Contested elections for Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, Attorney General, Superintendent of Education, and Commissioner of Agriculture and Industries shall be determined by both Houses of the General Assembly in such manner as may be prescribed by law.

Sec. 5. The Governor, Lieutenant Governor, Secretary of State, State Treasurer, Attorney General, State Auditor, Superintendent of Education, and Commissioner of Agriculture and Industries shall hold their respective offices for the term of four years from the first day of December of the year in which they shall have been elected, and until their successors shall be elected and qualified, and after the first election under this Constitution neither of them shall be eligible as his own successor; and the Governor shall not be eligible to election to any office under this State within one year after the expiration of his term; and his acceptance of the office of Governor shall be a pledge to the people not to accept an election or appointment to the Senate of the United States at any time during his term, or within one year thereafter.

Sec. 6. The Governor and Lieutenant Governor shall each be at least thirty years of age when elected, and shall have been citizens of the United States ten years and resident citizens of this State at least seven years next before the date of their election. The Lieutenant Governor shall be ex-officio President of the Senate, which shall elect a President pro tem from among its own members, who shall discharge the duties of the Lieutenant Governor in the Senate, whenever he is absent or disqualified.

Sec. 7. The Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, Attorney General, Superintendent of Education, and Commissioner of Agriculture and Industries, shall receive compensation for their services, which shall be fixed by law, and which shall not be increased or diminished during the term for

which they have been elected, and with the exception of the Lieutenant Governor, shall reside at the Capital. After the adoption of this Constitution, the compensation of the Governor shall be five thousand dollars per annum, which shall not be thereafter increased or diminished during the term for which he shall have been elected.

Sec. 8. The Governor shall take care that the laws be faithfully executed.

Sec. 9. The Governor may require information in writing, under oath, from the officers of the Executive Department named in this article, or created by statute, on any subject relating to the duties of their respective offices; and he may at any time require information in writing, under oath, from all officers and managers of State institutions, upon any subject relating to the condition, management, and expenses of their respective offices and institutions. Any such officer or manager who makes a wilfully false report, or fails without sufficient excuse to make such report when demanded, is guilty of an impeachable offense.

Sec. 10. The Governor may, by proclamation on extraordinary occasions, convene the General Assembly at the seat of government, or, at a different place, if since their last adjournment, that shall have become dangerous from an enemy, insurrection, or other lawless outbreak, or from any infectious or contagious disease; he shall state specifically in such proclamation each matter concerning which the action of that body is deemed necessary.

Sec. 11. The Governor shall, from time to time, give to the General Assembly information of the state of the government, and recommend to their consideration such measures as he may deem expedient; and at the commencement of each regular session of the General Assembly, and at the close of his term of office, give information, by written message, of the condition of the State; and he shall account to the General Assembly, as may be prescribed by law, for all moneys received and paid out by him, or by his order; and, at the commencement of each regular session, he shall present to the



General Assembly estimates of the amount of money required to be raised by taxation for all purposes.

Sec. 12. The Governor shall have power to remit fines and forfeitures, under such rules and regulations as may be prescribed by law; and, after conviction, to grant reprieves, paroles, commutations of sentence and pardons. The Attorney General, Secretary of State and State Auditor shall constitute a Board of Pardons, who shall meet on the call of the Governor, and before whom shall be laid all recommendations or petitions, for pardon or commutations or paroles, in cases of felony; and the Board shall hear them in open session, and give their opinion in writing, to the Governor thereon, after which or on the board's failure to advise for more than sixty days, the Governor may grant or refuse the commutation, parole or pardon, as to him seems best for the public interest. He shall communicate to the General Assembly at each session, each case of reprieve, commutation, parole, or pardon, with his reasons therefor, and the opinion of the Board of Pardons in each case required to be referred; stating the name, the crime of the convict, the sentence, its date, and the date of reprieve, commutation, parole or pardon. Pardons in cases of felony and other offenses involving the *crimen falsi*, shall not relieve from civil and political disabilities, unless specifically expressed in the pardon.

Sec. 13. Every bill which shall have passed both Houses of the General Assembly shall be presented to the Governor; if he approve, he shall sign it; but if not, he shall return it, with his objections, to that House in which it shall have originated, who shall enter the objections at large upon the Journal, and proceed to reconsider it. If the Governor's message proposes amendment which would remove his objections, the House to which it is sent may so amend the bill, and send it with the Governor's message to the other House, which may adopt, but cannot amend said amendment; and both Houses concurring in the amendment, the bill shall again be sent to the Governor, and acted on by him as on other bills. If the House to which the bill is returned refuses to make such amendment, it shall proceed

to reconsider; and if a majority of the whole number elected to that House, shall vote for the passage of the bill, it shall be sent with the objections to the other House, by which it shall likewise be reconsidered, and if approved by a majority of the whole number of that House, it shall become a law. If the House to which the bill is returned makes the amendment and the other House declines to pass the same, that House shall proceed to reconsider, as though the bill had originated therein, and such proceedings shall be taken thereon as above provided. In every case, the vote of both Houses shall be determined by yeas and nays, and the names of the members voting for or against the bill shall be entered upon the Journals of each House respectively. If any bill shall not be returned by the Governor, Sundays excepted, within six days after it shall have been presented, the same shall become a law in like manner as if he had signed it, unless the General Assembly, by their adjournment or recess, prevent its return, in which case it shall not be a law; but bills presented to the Governor within five days before the adjournment of the General Assembly may be approved by the Governor at any time within ten days after the final adjournment, if approved by the Governor at any time within ten days after the final adjournment, if approved and deposited with the Secretary of State within that time. Every vote, order or resolution to which concurrence of both Houses may be necessary, except questions of adjournment, and the bringing on of elections by the two Houses, and amending this Constitution, shall be presented to the Governor; and before the same shall take effect, be approved by him; or, being disapproved, shall be re-passed by both Houses, according to the rules and limitations prescribed in the case of a bill.

Sec. 14. The Governor shall have power to approve or disapprove any item or items of any bill making appropriations embracing distinct items, and the part or parts of the bill approved shall be the law; and the item or items disapproved shall be void, unless re-passed, according to the rules and limitations prescribed for the passage of other bills over the Executive veto; and he

shall in writing, state specifically the item or items he disapproves, setting the same out in *hanc verba*, in his message; but in such case, the enrolled bill shall not be returned with the Governor's objection.

Sec. 15. In case of the Governor's removal from office, death or resignation, the Lieutenant Governor shall become Governor. If both the Governor and Lieutenant Governor are removed from office; die or resign, prior to the next general election, thereafter, for members of the General Assembly, the Governor and Lieutenant Governor shall be elected at such election for the unexpired term. In case of the impeachment of the Governor, his absence from the State, unsoundness of mind, or other disability, the power and authority of the office shall devolve, in the order herein named, upon the Lieutenant Governor, President pro tem of the Senate, Speaker of the House of Representatives, Attorney General, State Auditor, Secretary of State, and State Treasurer; if any of these officers be under any of the disabilities herein specified, the office of Governor shall be administered in the order named by these officers free from such disability, until the Governor is acquitted, returns to the State, or is restored to his mind, or relieved from other disability. If the Governor shall be absent from the State over twenty days, the Secretary of State shall notify the Lieutenant Governor, who shall enter upon the duties of Governor; if both the Governor and Lieutenant Governor shall be absent from the State over twenty days, the Secretary of State shall notify the President pro tem of the Senate, who shall enter upon the duties of the Governor, and so on, in case of such absence, he shall notify each of the other officers named in their order, who shall discharge the duties of Governor, until the Governor or other officers entitled to administer the office in succession to the Governor, returns. If the Governor-elect fails or refuses from any cause, to qualify, the Lieutenant-elect shall qualify, and exercise the duties of the Governor's office until the Governor-elect qualifies; and in event both the Governor-elect and Lieutenant Governor-elect, from any cause, fail to qualify, the President pro tem of the Senate, the

Speaker of the House of Representatives, the Attorney General, State Auditor, Secretary of State, and State Treasurer shall in like manner, in the order named, administer the government until the Governor or Lieutenant Governor-elect qualifies.

Sec. 16. If the Governor or other officer administering the office, shall become of unsound mind, it shall be the duty of the Supreme Court of Alabama, upon request in writing of any two of the officers named in Section 15, not next in succession to the Governor, to ascertain the mental condition of the Governor, or other officer exercising the office, and if he is of unsound mind, to so certify upon its minutes; a copy of which, duly certified, shall be filed in the office of the Secretary of State; and in that event, it shall be the duty of the officer next in succession, to perform the duties of the Governor, until the Governor or other officer exercising the office is restored to his mind.

Sec. 17. The Lieutenant Governor, the President pro tem of the Senate, and the Speaker of the House of Representatives, shall receive during the time they respectively administer the government, like compensation as that fixed for the Governor; provided, if the General Assembly shall be in session during the time such officer may administer the office of Governor, they shall receive no compensation as officers or members of the General Assembly.

Sec. 18. No person shall at one and the same time hold the office of Governor of this State and any office, civil or military, either under this State or the United States, or any other State or government, except as otherwise provided in this Constitution.

Sec. 19. The Governor shall be commander-in-chief of the militia and volunteer forces of this State, except when they shall be called into the service of the United States; and he may call out the same to execute the laws, suppress insurrection, and repel invasion; but need not command in person unless directed to do so by resolution of the General Assembly, and when acting in the service of the United States, he shall appoint his staff and the General Assembly shall fix his rank.

Sec. 20. The Governor shall not appoint any member of the General Assembly, during the term for which he shall have been elected, to any office.

Sec. 21. No person shall be eligible to the office of Secretary of State, State Treasurer, State Auditor, Superintendent of Education, Attorney General, or Commissioner of Agriculture and Industries, unless he shall have been a citizen of the United States at least seven years, and shall have resided in this State at least five years next preceding his election, and shall be at least twenty-five years old when elected.

Sec. 22. There shall be a Great Seal of State, which shall be used officially by the Governor, and the Seal now in use shall continue to be used until another shall have been adopted by the General Assembly. Said Seal shall be called the Great Seal of the State of Alabama.

Sec. 23. The Secretary of State shall be the custodian of the Seal of the State, and shall authenticate therewith all official acts of the Governor; his approval of laws, resolutions, appointments to office and administrative orders, excepted. He shall keep a register of the official acts of the Governor, and when necessary, shall attest them, and lay copies of same, together with copies of all papers relative thereto, before either House of the General Assembly, when required to do so, and shall perform such other duties as may be prescribed by law.

Sec. 24. All grants and commissions shall be issued in the name and by the authority of the State of Alabama, sealed with the Great Seal and signed by the Governor, and countersigned by the Secretary of State.

Sec. 25. Should the office of Secretary of State, State Auditor, State Treasurer, Attorney General, Superintendent of Education, or Commissioner of Agriculture and Industries become vacant, for any cause, the Governor shall fill such vacancy until the disability is removed or a successor elected and qualified. In case any of said officers shall become of unsound mind, such unsoundness shall be ascertained by the Supreme Court upon the suggestion of the Governor.

Sec. 26. The Governor, Lieutenant Governor and Attorney General are constituted a Board of Conciliation,

for the adjustment of differences between employer and employes engaged in mining, manufacturing, transportation, or other lawful industries, to which Board may be added in each case coming before it, two citizens of this or of some other State of the Union, to be appointed by the Governor. The Board may propose arbitration before it of any such dispute, whenever it deems proper; and in its discretion may hear such disputes when requested by either or both parties thereto. In all cases coming before it, the Board shall pass on the merits and recommend in writing what ought to be done to adjust the disputes or difference. Its judgment or award shall be advisory merely, unless both parties agree in writing in advance to perform the award, when it may be enforced by appropriate proceedings in the courts, under such rules and regulations as may be prescribed by law. The Board shall have power to compel the production of papers and the attendance of witnesses in matters germane to the dispute or difference, under such rules and regulations as may be provided by law.

Sec. 27. The Governor, Auditor and Treasurer, or the Governor and either the Auditor or Treasurer, when there are funds in the Treasury not immediately needed, may loan out the same on call, for such time and at such rate of interest, as they may deem advisable, taking as collateral, bonds of the United States, or of this State, to the full amount loaned, and the interest agreed to be paid therefor; such loans shall not be made until after one week's public notice, through some paper published at the Capital, and a record of such loans shall be kept in the office of the Auditor, and reported by the Governor to the General Assembly at its next meeting.

Sec. 28. The State Treasurer, State Auditor, Attorney General, and the Commissioner of Agriculture and Industries shall perform such duties as may be prescribed by law. The State Treasurer and State Auditor shall, every year, at a time the General Assembly may fix, make a full and complete report to the Governor, showing the receipts and disbursements of revenues of every character, and all claims audited and paid out by items, and all taxes and revenues collected and paid into

the Treasury, and from what sources; and they shall make reports oftener upon any matters pertaining to their office if required by the Governor or General Assembly.

Sec. 29. The State Auditor, State Treasurer, Attorney General, Secretary of State, and Commissioner of Agriculture and Industries shall not receive to their use, any fees, costs, perquisites of office, or other compensation than their salaries, as prescribed by law, and all fees that may be payable for any services performed, through such officers, shall be at once paid into the State Treasury.

Sec. 30. A Sheriff shall be elected in each county by the qualified electors thereof, who shall hold his office for a term of four years, unless sooner removed, and shall be ineligible to such office as his own successor. Whenever any prisoner is taken from the jail or from the custody of the Sheriff or his deputy, and put to death or suffers grievous bodily harm, owing to the neglect, connivance, cowardice or other grave fault of the Sheriff, such Sheriff may be impeached under Section 2 of Article VII of the Constitution; and the Governor, when satisfied, after hearing the Sheriff, that he should be impeached, may suspend him from office for such time as he may think proper, until the impeachment proceedings are finally disposed of.

Mr. Jones, of Montgomery, moved that the reading of the ordinance above set out be dispensed with. The motion was lost.

Mr. Rogers, of Sumter, asked unanimous consent that the reading of the ordinance be dispensed with. An objection was interposed.

The ordinance was read at length a second time, and placed on the calendar.

Mr. Brooks moved that the Secretary be instructed to have the report of the Committee printed and placed on the desks of each delegate, and that the further consideration of the ordinance be postponed until Tuesday.

Mr. Jones, of Montgomery, moved that the rules be suspended in order that he could make a motion to have the report and ordinance laid upon the table, and that 300 copies be ordered printed.

The Chair held that the motion of Messrs. Brooks and Jones, of Montgomery, were not necessary, as the rules of the Convention provided for that which the motions sought to accomplish.

Mr. Brooks moved that only the majority and minority reports of the Committee be printed. The motion was lost.

Mr. Jones, of Montgomery, moved that the report of the Committee and the ordinance submitted by the Committee be printed in full. The motion prevailed.

#### ADJOURNMENT.

On motion of Mr. Brooks, the Convention adjourned until 10 o'clock to-morrow morning.

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### FIFTEENTH DAY.

#### CONVENTION HALL.

Montgomery, Ala., Saturday, June 8, 1901.

The Convention met pursuant to adjournment.

Prayer was offered by Rev. Mr. Howell, of the Convention.

#### ROLL CALL.

On a call of the roll of the Convention the following delegates answered to their names, which constituted a quorum :



Messrs. President,	Hinson,
Almon,	Hodges,
Altman,	Hood,
Ashcraft,	Howell,
Banks,	Inge,
Barefield,	Jackson,
Bartlett,	Jenkins,
Beavers,	Jones (Bibb),
Beddow,	Jones (Montgomery),
Blackwell,	Jones (Wilcox),
Boone,	Kirk,
Brooks,	Knight,
Browne,	Kyle,
Burns,	Locklin,
Cardon,	Lomax,
Carmichael (Colbert),	Lowe (Jefferson),
Case,	Lowe (Lawrence),
Chapman,	Macdonald,
Cobb,	McMillan (Baldwin),
Coleman (Greene),	McMillan (Wilcox),
Cunningham,	Malone,
Davis (Etowah),	Maxwell,
deGraffenried,	Merrill,
Duke,	Miller (Marengo),
Eley,	Miller (Wilcox),
Eyster,	Mulkey,
Ferguson,	Murphree,
Fletcher,	NeSmith,
Foster,	Norman,
Glover,	Oates,
Graham (Montgomery),	O'Neal (Lauderdale),
Graham (Talladega),	O'Neill (Jefferson),
Grant,	Opp,
Grayson,	O'Rear,
Greer (Calhoun),	Parker (Cullman),
Greer (Perry),	Parker (Elmore),
Haley,	Pearce,
Handley,	Pettus,
Harrison,	Phillips,
Heflin (Chambers),	Pillans,
Henderson,	Pitts,

Porter,  
Proctor,  
Reynolds (Henry),  
Robinson,  
Rogers (Lowndes),  
Rogers (Sumter),  
Sanders,  
Sanford,  
Searcy,  
Selheimer,  
Sloan,  
Smith (Mobile),  
Smith, Mac. A.,  
Sollie,  
Spears,  
Spragins,  
Stewart,

Tayloe,  
Thompson,  
Waddell,  
Walker,  
Watts,  
Weakley,  
Weatherly,  
White,  
Whiteside,  
Willett,  
Williams (Barbour),  
Williams (Marengo).  
Williams (Elmore),  
Wilson (Clarke),  
Wilson (Washington).  
Winn.

#### REPORT OF COMMITTEE ON THE JOURNAL.

The chairman of the Committee on the Journal submitted the following report:

The Committee on the Journal beg leave to report that they have examined the Journal for the fourteenth day of the Convention, and that the same is correct.

Respectfully submitted,

JOHN F. PROCTOR, *Chairman.*

The report of the Committee was concurred in.

#### LEAVE OF ABSENCE.

Was granted to Messrs. Tayloe, for Monday and Tuesday; Reynolds, of Chilton, for to-day; Reese, for to-day; Cunningham, for Monday; Sanford, for yesterday and to-day; Howze, for to-day; Cornwell, for to-day and Monday; Jones, of Hale, for to-day; Sanders, for Monday; Fitts, for to-day; Coleman, of Walker, for to-day; Espy, for to-day; Sollie, for Monday; Long, of Butler, for to-day; Bulger, for to-day; Carmichael, of Coffee, for to-day; Gilmore, for to-day.

Mr. Fletcher gave notice that he would object to any further leaves of absence being granted.

#### MOTION FIXING HOUR OF ADJOURNMENT.

Mr. Jackson moved that when the Convention adjourn to-day that it adjourn until 12 o'clock m. on Monday.

The motion prevailed.

COMMITTEE GRANTED LEAVE TO SIT DURING SESSION.

On motion of Mr. Coleman, of Greene, the Committee on Suffrage and Elections were granted leave to sit during the session to-day.

#### STENOGRAPHIC REPORT.

Mr. Blackwell called the attention of the Convention to certain errors in the stenographic report of the proceedings of yesterday, in regard to ordinance number 332, introduced by him.

The report was ordered corrected.

#### RECOMMITTAL OF ORDINANCES.

Mr. Weakley, chairman of the Committee on Municipal Corporations, returned to the Convention ordinance 187.

Ordinance 187:

"An ordinance to permit municipalities in the State of Alabama having more than 2,000 inhabitants to establish Municipal Courts."

And requested that said ordinance be referred to the Committee on Judiciary.

The ordinance, 187, was referred to the Committee on Judiciary.

#### RESOLUTIONS ON FIRST READING.

The following resolutions were introduced, severally read one time at length, and referred to appropriate committees, as follows:

Resolution 138, by Mr. Pettus:

Whereas, The State debt may be refunded at a much lower rate of interest than the State now pays when it falls due; and, whereas, the increased valuation of property in the State may reasonably be expected to bring increased revenue to the State;

Therefore, be it Resolved, That it is the sense of this Convention that the State tax limit be reduced, and the Committee on Finance and Taxation is hereby requested to report on ordinance reducing the constitutional tax limit for the State to such rate as to the committee seems for the best interest of the State.

The resolution was referred to the Committee on Taxation.

Resolution 139, by Mr. Burns:

That the additional expense of printing may be saved by leaving off the explanatory notes and publishing only the ordinances or resolutions reported by committees, as agreed upon.

And that no expense for printing or other purposes be incurred except ordered by a majority of the Convention on a call of the roll.

The resolution was referred to the Committee on Schedules, Printing and Incidental Expenses.

Resolution 140, by Mr. Williams, of Elmore:

That no poll tax or other privilege tax be required of any voter in this State.

Be it resolved, That no poll tax or other privilege tax be required of any voter in this State, and that all qualifications for voters be determined and concluded by board of precinct registrars, and such other qualifications as may be fixed by this Convention.

The resolution was referred to the Committee on Suffrage and Elections.

Resolution 141, by Mr. Wilson, of Clarke:

To amend subdivision 6 of Rule 22.

Resolved, That subdivision 6 of Rule 22 be amended so as to read as follows:

6. Call of the roll in alphabetical order for the introduction of resolutions, memorials, petitions and ordinances, and their proper reference, but if the roll call is not completed by 10:30 o'clock of any day, the Conven-

tion shall at that hour proceed to the next regular order of business.

The resolution was referred to the Committee on Rules.

#### ORDINANCES ON FIRST READING.

The following ordinances were introduced, severally read one time, and referred to appropriate committees, as follows:

Ordinance 342, by Mr. Burns:

To regulate the fees of Constables and deputies.

The ordinance was referred to the Committee on Judiciary.

Ordinance 343, by Mr. Case:

To amend Section 49 of the present Constitution, to compel children who are able, to support indigent parents.

The ordinance was referred to the Committee on Judiciary.

Ordinance 344, by Mr. Glover:

To amend the Constitution by inserting therein: The Legislature shall have the power and authority to revise, regulate and reconstruct the judiciary system of this State.

The ordinance was referred to the Committee on Judiciary.

Ordinance 345, by Mr. Glover:

To amend the Constitution of this State by inserting therein the following: To abolish the right of dower and curtesy, and giving the wife and husband inheritable in each other's estate.

The ordinance was referred to the Committee on Judiciary.

Ordinance 346, by Mr. Greer, of Perry:

Relating to legal advertising.

The ordinance was referred to the Committee on Schedules, Printing and Incidental Expenses.

Ordinance 347, by Mr. Miller, of Marengo:

To prevent any corporation from contracting exclusively for the sale of any books or articles for use in pub-

lic schools to the State of Alabama, or to any counties in the State, or to any cities or towns in the State, or to any school district in the State.

The ordinance was referred to the Committee on Corporations.

Ordinance 348, by Mr. O'Neill, of Jefferson:

To amend Article XI, Section 1, on taxation.

The ordinance was referred to the Committee on Taxation.

Ordinance 349, by Mr. J. W. A. Sanford:

To establish a Great Seal for the State of Alabama.

The ordinance was referred to the Committee on Executive Department.

Ordinance 350, by Mr. Mac. A. Smith:

To amend Section 1 of Article XIV of the Constitution of Alabama.

The ordinance was referred to the Committee on Corporations.

#### REPORTS OF STANDING COMMITTEES.

The several standing committees of the Convention were called, but no reports were submitted.

#### RESOLUTIONS ON THIRD READING.

The following resolution was called for a third reading and adoption:

Resolution 25:

"Resolved, That the Secretary of the Convention be and he is hereby instructed to preserve five (5) copies of the printed stenographic report of the proceedings of the Convention, and when said report is completed, to cause the same to be bound and deposited in the office of the Secretary of State."

The resolution was read a third time at length, and adopted.

#### RECONSIDERATION OF VOTE.

Mr. Browne moved that the vote by which the resolution was adopted be reconsidered.

The motion prevailed.

Mr. Browne offered the following amendment to the resolution 25:

Amend by inserting the word "ten" instead of the word "five" after the word "preserve," and by adding after the word "State" the following:

"And five (5) copies to be deposited in the Supreme Court Library."

The amendment was adopted.

The resolution 25, as amended, was again read at length a third time, and adopted.

#### SPECIAL ORDER.

Mr. Jones, of Montgomery, moved that the report of the Committee on Executive Department be taken from the table, and that the same be made a special order for Tuesday, immediately after the call of unfinished business.

The motion prevailed, and the report of the Committee on Executive Department was made a special order for Tuesday immediately after the call of unfinished business.

#### OBJECTION TO LEAVE OF ABSENCE.

Mr. Malone gave notice that after to-day he would object to any leave of absence being granted.

#### ADJOURNMENT.

On motion of Mr. Greer, of Calhoun, the Convention adjourned until 12 o'clock m. on Monday.

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### SIXTEENTH DAY.

#### CONVENTION HALL.

Montgomery, Ala., Monday, June 10, 1901.

The Convention met pursuant to adjournment.  
Prayer was offered by Rev. Mr. Gay, of the city.

## ROLL CALL.

On a call of the roll of the Convention the following delegates answered to their names, which constituted a quorum :

Messrs. President,	Grayson,
Altman,	Greer (Calhoun),
Ashcraft,	Haley,
Banks,	Handley,
Barefield,	Harrison,
Beavers,	Heflin (Chambers),
Beddow,	Heflin (Randolph),
Bethune,	Hinson,
Blackwell,	Hodges,
Brooks,	Howell,
Browne,	Howze,
Bulger,	Inge,
Burnett,	Jackson,
Burns,	Jenkins,
Cardon,	Jones (Bibb),
Carmichael (Colbert),	Jones (Montgomery),
Carmichael (Coffee),	Jones (Wilcox),
Case,	Kirk,
Chapman,	Knight,
Cobb,	Kyle,
Cofer,	Ledbetter,
Coleman (Greene),	Leigh,
Davis (DeKalb),	Lomax,
Davis (Etowah),	Long (Butler),
Dent,	Long (Walker),
Eley,	Lowe (Jefferson),
Eyster,	Lowe (Lawrence),
Espy,	Macdonald,
Ferguson,	McMillan (Baldwin),
Fletcher,	McMillan (Wilcox),
Foshee,	Malone,
Foster,	Maxwell,
Glover,	Merrill,
Graham (Montgomery),	Miller (Marengo),
Graham (Talladega),	Miller (Wilcox),



Moody,	Searcy,
Mulkey,	Selheimer,
NeSmith,	Sentell,
Norman,	Sloan,
Norwood,	Smith (Mobile),
Oates,	Smith, Mac. A.,
O'Neal (Lauderdale),	Sorrell,
O'Neill (Jefferson),	Spears,
O'Rear,	Spragins,
Parker (Cullman),	Stewart,
Parker (Elmore),	Tayloe,
Pearce,	Thompson,
Pettus,	Vaughan,
Pillans,	Waddell,
Pitts,	Walker,
Porter,	Watts,
Proctor,	Weakley,
Reese,	Weatherly,
Renfro,	White,
Reynolds (Chilton),	Whiteside,
Reynolds (Henry),	Willett,
Robinson,	Williams (Barbour),
Rogers (Sumter),	Williams (Marengo),
Samford,	Williams (Elmore),
Sanford,	Wilson (Washington)—119

#### LEAVES OF ABSENCE.

Was granted to Messrs. Almon for to-day; King indefinitely; Duke for to-day; Studdard for to-day; Jones, of Hale, for to-day; Selheimer for to-day; Martin for to-day; Wilson, of Clarke, indefinitely; Greer, of Perry, for to-day; Hood for to-day; Altman for to-day; Opp for to-day; Henderson for to-day; Morrisette for to-day and to-morrow; Locklin for to-day and to-morrow; Coleman of Walker for to-day.

#### REPORT OF COMMITTEE ON THE JOURNAL.

The chairman of the Committee on the Journal submitted the following report:

The Committee on the Journal beg leave to report that they have examined the Journal for the fifteenth day of the Convention and that the same is correct.

Respectfully submitted,

JOHN F. PROCTOR, *Chairman.*

The report of the Committee was concurred in.

COMMITTEE GRANTED LEAVE TO SIT DURING SESSION.

On motion of Mr. Coleman, of Greene, the Committee on Suffrage and Elections was granted leave to sit during the session of to-day.

#### RECOMMITTAL OF ORDINANCES.

Mr. Oates, chairman of the Committee on Legislative Department, returned to the Convention ordinance 341.

Ordinance 341:

"For the equitable distribution of the surplus moneys arising from the sale of fertilizer tags."

And requested that same be referred to the Committee on Taxation.

The ordinance 341 was referred to the Committee on Taxation.

Ordinance 267:

On motion of Mr. Ledbetter ordinance 267, "That the office of Examiner of Public Accounts be and the same is hereby continued," was ordered referred to the Committee on Banks and Banking.

#### ORDINANCES ON FIRST READING.

The following ordinances were introduced severally read one time at length, and referred to appropriate committees, as follows:

Ordinance 351, by Mr. Davis, of Etowah:

To amend Article VII, Section 10, of the Constitution. (Relates to waiving of exemptions.)

The ordinance was referred to the Committee on Exemptions.

Ordinance 352, by Mr. Eyster:

For the protection of local building and loan associations from excessive taxation.

The ordinance was referred to the Committee on Corporations.

Ordinance 353, by Mr. Haley:

Relates to exempted property.

The ordinance was referred to the Committee on Exemptions.

Ordinance 354, by Mr. Haley:

Relates to county boundaries.

The ordinance was referred to the Committee on State and County Boundaries.

Ordinance 355, by Mr. Harrison:

To limit the indebtedness of cities, towns and villages in this State.

The ordinance was referred to the Committee on Municipal Corporations.

Ordinance 356, by Mr. Long, of Walker:

Relates to Judicial Department.

The ordinance was referred to the Committee on Judiciary.

Ordinance 357, by Mr. O'Neill, of Jefferson:

To amend Section 1, Article XI.

The ordinance was referred to the Committee on Municipal Corporations.

Ordinance 358, by Mr. O'Neill, of Jefferson:

To amend Section 1, Article XI.

The ordinance was referred to the Committee on Taxation.

Ordinance 359, by Mr. O'Neill, of Jefferson:

To amend Article V of the Constitution.

The ordinance was referred to the Committee on Executive Department.

Ordinance 360, by Mr. Sanford:

To prohibit the ownership of real estate by persons owing allegiance to foreign governments.

The ordinance was referred to the Committee on Legislative Department.

Ordinance 361, by Mr. Mac. A. Smith, Autauga:

To amend Section 25 of Article VI of the Constitution of Alabama.

The ordinance was referred to the Committee on Judiciary.

Ordinance 362, by Mr. Watts:

To amend Section 8, Article XIV.

The ordinance was referred to the Committee on Corporations.

Ordinance 363, by Mr. Williams, of Marengo:

Relates to exemption from taxation.

The ordinance was referred to the Committee on Taxation.

Ordinance 364, by Mr. Oates:

To prevent an increase of State debt, and to regulate temporary loans.

The ordinance was referred to the Committee on Taxation.

Ordinance 365, by Mr. Oates:

To provide for refunding the bonded debt of the State, and for improving the Capitol building and grounds.

The ordinance was referred to the Committee on Legislative Department.

#### REPORTS OF STANDING COMMITTEES.

Mr. Jones, of Montgomery, chairman of the Committee on Executive Department, offered the following amendment to the report of the Committee on Executive Department:

Montgomery, Ala., June 10, 1901.

*Mr. President:*

The Committee on Executive Department ask leave to amend the ordinance entitled "An ordinance to create and define the 'Executive Department,' heretofore reported to the Convention as follows:

Amend Section 3 by adding after the words "shall be elected" the following words, "on the first Monday in August, 1902; and thereafter."

Amend Section 5 by adding the words "elected in the year 1902" between the word "Commissioner of Agriculture and Industries" and the word "shall" in such section.

Amend Section 13 by striking out the words "or recess," and by adding after the words "in which case it

shall not be a law," the following words, "but when return is prevented by a recess, such bill must be returned to the House in which it originated, within two days after its reassembling, otherwise it shall become a law."

Amend Section 16 by striking out the period at the end thereof, and inserting in lieu thereof a semicolon, and by adding the following words, "when the incumbent denies that the Governor, or other person entitled to administer the office, has been restored to his mind, the Supreme Court, at the instance of any officer named in Section 15, shall ascertain the truth concerning the same, and, if the officer has been restored to his mind, shall so certify on its minutes and file a duly certified copy thereof with the Secretary of State, and in that event his office shall be restored to him."

Amend Section 27 by adding after the words "as they may deem advisable," the following words, "to the best bidder."

THOMAS G. JONES, *Chairman.*

Mr. Jones, of Montgomery, moved that the amendment above set out be laid upon the table, and be considered with the report of the Committee on Executive Department, which report is set for consideration on Tuesday.

Mr. Macdonald moved to amend the motion of Mr. Jones, of Montgomery, by adding that 300 copies of the amendment be printed for the use of the delegates. The motion prevailed.

The question recurred upon the motion of Mr. Jones, of Montgomery.

The motion of Mr. Jones, of Montgomery, as amended, prevailed.

#### SCHEDULE, PRINTING AND INCIDENTAL EXPENSES.

Mr. Heflin, of Randolph, chairman of the Committee on Schedules, Printing and Incidental Expenses, reported favorably the following resolution:

Resolution No. 120, by Mr. Grayson:

Resolved, That all resolutions authorizing the payment of any money shall be adopted only by a ye and nay vote.

The resolution above set out was read at length a second time, and placed on the calendar, and 300 copies ordered printed.

#### INVITATION TO ADDRESS THE CONVENTION.

Mr. Sanford moved that Miss Frances Griffin be invited to address the Convention on the subject of "Woman Suffrage."

Mr. Burns raised the point of order that the motion was out of order in that it required a suspension of the rules before the motion could be entertained.

The point of order was sustained.

Mr. Miller, of Marengo, moved that the rules be suspended, and that Miss Frances Griffin be invited to address the Convention on the subject of "Woman Suffrage."

The motion prevailed, and the rules were suspended, and Miss Griffin was invited to address the Convention.

The Chair appointed the following committee to notify Miss Griffin of the invitation and to conduct the lady to the President's stand. Committee—Messrs. Sanford, Burns, and Wilson, of Washington.

Miss Griffin was thereupon introduced to the Convention, and spoke at length upon the subject.

#### VOTE OF THANKS.

Mr. Jackson moved that the thanks of the Convention be tendered Miss Griffin for the very able address just delivered. The motion prevailed.

#### ADJOURNMENT.

On motion of Mr. Miller, of Marengo, the Convention adjourned until to-morrow morning at 10 o'clock.

## SEVENTEENTH DAY.

## CONVENTION HALL.

Montgomery, Ala., Tuesday, June 11, 1901.

The Convention met pursuant to adjournment.

Prayer was offered by Rev. Mr. Stickney, of the city..

## ROLL CALL.

On a call of the roll of the Convention, the following delegates answered to their names, which constituted a quorum :

Messrs. President,	Henderson,
Altman,	Davis (DeKalb),
Ashcraft,	Davis (Etowah),
Banks,	Dent,
Barefield,	deGraffenried,
Bartlett,	Duke,
Beavers,	Eley,
Beddow,	Eyster,
Bethune,	Espy.
Blackwell,	Ferguson,
Boone,	Fitts,
Brooks,	Fletcher,
Browne,	Foshee,
Bulger,	Foster,
Burnett,	Gilmore,
Burns,	Graham (Montgomery),
Cardon,	Graham (Talladega),
Carmichael (Colbert),	Grant,
Carmichael (Coffee),	Grayson,
Case,	Greer (Calhoun),
Chapman,	Greer (Perry),
Cobb,	Haley,
Cofer,	Handley,
Coleman (Greene),	Harrison.
Coleman (Walker),	Heflin (Chambers),
Craig,	Heflin (Randolph),

Hinson,  
Hodges,  
Hood,  
Howell,  
Howze,  
Inge,  
Jackson,  
Jenkins,  
Jones (Bibb),  
Jones (Hale),  
Jones (Montgomery),  
Jones (Wilcox),  
Kirk,  
Kirkland,  
Knight,  
Kyle,  
Ledbetter,  
Leigh,  
Lomax,  
Long (Butler),  
Long (Walker),  
Lowe (Jefferson),  
Lowe (Lawrence),  
Macdonald,  
McMillan (Baldwin),  
McMillan (Wilcox),  
Malone,  
Martin,  
Maxwell,  
Merrill,  
Miller (Marengo),  
Miller (Wilcox),  
Moody,  
Mulkey,  
Murphree,  
NeSmith,  
Norman,  
Norwood,  
Oates,  
O'Neal (Lauderdale),  
O'Neill (Jefferson),

Opp,  
O'Rear,  
Palmer,  
Parker (Cullman),  
Parker (Elmore),  
Pearce,  
Pettus,  
Phillips,  
Pillans,  
Pitts,  
Porter,  
Proctor,  
Reese,  
Renfro,  
Reynolds (Chilton),  
Reynolds (Henry),  
Robinson,  
Rogers (Lowndes),  
Rogers (Sumter),  
Sanders,  
Sanford,  
Searcy,  
Selheimer,  
Sentell,  
Sloan,  
Smith (Mobile),  
Smith, Mac. A.,  
Smith, Morgan M.,  
Sollie,  
Sorrell,  
Spears,  
Spragins,  
Stewart,  
Tayloe,  
Thompson,  
Vaughan,  
Waddell,  
Walker,  
Watts,  
Weakley,  
Weatherly,



White,	Williams (Marengo),
Whiteside,	Williams (Elmore),
Willett,	Wilson (Washington).
Williams (Barbour),	Winn—142.

## LEAVE OF ABSENCE

Was granted to Messrs. Maxwell, Glover, Carmichael and Almon for to-day.

## REPORT OF COMMITTEE ON THE JOURNAL.

The chairman of the Committee on the Journal submitted the following report, which was concurred in:

The Committee on the Journal beg leave to report that they have examined the Journal for the sixteenth day of the Convention, and that the same is correct.

JOHN F. PROCTOR, *Chairman*.

## ORDINANCES ON FIRST READING.

The following ordinances were introduced, severally read one time at length, and referred to appropriate committees, as follows:

Ordinance 366, by Mr. Brooks:

To define a trust, and to prohibit the same in this State.

The ordinance was referred to the Committee on Legislative Department.

Ordinance 367, by Mr. Jones, of Hale:

To amend Section 26 of Article VI. (Relates to Justice of the Peace.)

The ordinance was referred to the Committee on Judiciary.

Ordinance 368, by Mr. Burns:

To amend Article VIII of the present Constitution.

The ordinance was referred to the Committee on Suffrage and Elections.

Ordinance 369, by Mr. Burns:

To amend Section 3 of Article VIII.

The ordinance was referred to the Committee on Suffrage and Elections.

#### SUSPENSION OF THE RULES.

Mr. White moved to suspend the rules in order to dispense with the regular order of business, and then moved to take up the report of the Committee on Executive Department. The rules were suspended and the Convention proceeded to the consideration of the report of the committee.

Mr. Harrison moved that the Convention resolve itself into committee of the whole, in which the five minute rule should apply.

Mr. Jones, of Montgomery, moved the indefinite postponement of Mr. Harrison's motion.

#### POINT OF ORDER.

Mr. deGraffenried made the point of order that the motions of both Messrs. Harrison and Jones, of Montgomery, were out of order, in that the rules provided that the minority report is considered, an amendment to the ordinance and that the ordinance on third reading, should be considered section by section.

The Chair held that there was no rule providing for the Convention to go into a committee of the whole, but it was in order for any delegate to make a motion that the Convention resolve itself into a committee of the whole.

(The motion of Mr. Harrison was withdrawn.)

Mr. Fitts moved that the ordinance be ordered to a third reading.

At the request of Mr. Jones, of Montgomery, Mr. Fitts withdrew his motion.

Mr. Jones, of Montgomery, stated that he desired to make a motion that the ordinance be ordered to a third reading, and that his object in making this motion was to place the ordinance before the Convention.

Mr. Jones, of Montgomery, addressed the Convention at length upon the ordinance submitted by the Com-

mittee on Executive Department, and thereupon withdrew his motion to order the ordinance to a third reading.

Mr. Jones, of Montgomery, moved that the ordinance be placed upon a third reading, and that it be considered section by section.

Mr. Harrison raised the point of order that under Rule 51 of the Convention, the proposed question was upon the minority report, which was to be considered an amendment.

The Chair held that the point of order was well taken, but that the minority report would be taken up when the sections it sought to amend were reached.

The ordinance:

"To create and define the Executive Department."

Was ordered read section by section.

Section 1 was thereupon read as follows:

Section 1. The Executive Department shall consist of a Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, Attorney General, Superintendent of Education, Commissioner of Agriculture and Industries, and a Sheriff for each county.

Mr. Oates offered the following amendment to Section 1.

Amend Section 1 by striking out the word "State" where it occurs in the second line of Section 1 before the word Auditor and Treasurer.

The amendment offered by Mr. Oates was adopted.

Mr. Long, of Walker, offered the following amendment:

Amend the ordinance by striking out the words "Lieutenant Governor" wherever they occur in said ordinance.

Mr. Oates raised the point of order that the amendment offered by Mr. Long of Walker was out of order in that it was an amendment to the entire ordinance, and that the Convention was considering only Section 1 of the ordinance.

The point of order was sustained.

Mr. Long, of Walker, thereupon asked unanimous consent that he be allowed to offer the amendment so that it would apply only to Section 1.

Unanimous consent was given.

Mr. O'Neal, of Lauderdale, called for the previous question on the amendment offered by Mr. Long, of Walker. The call for the previous question was sustained.

The question recurred upon the adoption of the amendment offered by Mr. Long, of Walker.

The amendment was lost.

Mr. Jones, of Montgomery, moved the previous question on the adoption of Section 1, as amended, and the motion prevailed.

Section 1:

"The Executive Department shall consist of a Governor, Lieutenant Governor, Secretary of State, Auditor, Treasurer, Attorney General, Superintendent of Education, Commissioner of Agriculture and Industries, and a Sheriff for each county," was adopted.

## SECTION TWO.

Mr. Jones, of Montgomery, moved that Section 2 of the ordinance be adopted.

Sec. 2. The Supreme Executive power of this State shall be vested in a Chief Magistrate, who shall be styled "The Governor of the State of Alabama."

Mr. Oates offered the following amendment to Section 2:

Amend Section 2 by striking out the words "of the State" where said words appear in the second line of Section 2.

Mr. O'Neal, of Lauderdale, moved to lay the amendment offered by Mr. Oates upon the table, and the motion prevailed.

Sec. 2. The Supreme Executive power of this State shall be vested in a Chief Magistrate, who shall be styled "The Governor of the State of Alabama," was adopted.

## SECTION THREE.

Sec. 3. The Governor, Lieutenant Governor, Secretary of State, State Treasurer, State Auditor, Attorney

General, Superintendent of Education and Commissioner of Agriculture and Industries shall be elected every four years by the qualified electors of this State, at the same time and places appointed for the election of members of the General Assembly, was read at length.

Mr. Jones, of Montgomery, moved that the following amendment offered by the Committee on Executive Department, be adopted:

Amend Section 3 by adding after the words "shall be elected" the following words, "on the first Monday in August, 1902, and thereafter."

Mr. Coleman, of Greene, offered the following amendment as a substitute for the amendment offered by the Committee:

Amend Section 3 by striking out all of said section, beginning with the words "every four years," and substituting therefor the following:

"Shall be elected at the same time and places appointed for the election of members of the General Assembly in 1902, and every four years thereafter by the qualified electors of the State."

The amendment offered by Mr. Coleman, of Greene, was accepted by the committee.

Mr. Pillans offered the following amendment as a substitute for the amendment offered by Mr. Coleman, of Greene:

Amend by adding after the words "shall be elected" the following words, "in the year 1902 and thereafter."

The substitute offered by Mr. Pillans for the amendment offered by Mr. Coleman, of Greene, was lost.

The question recurred upon the amendment offered by Mr. Coleman, of Greene:

Amend Section 3 by striking out all of said section, beginning with the words "every four years," and substituting therefor the following:

Shall be elected at the same time and places appointed for the election of members of the General Assembly in 1902, and every four years thereafter, by the qualified electors of the State.

And the amendment was adopted.

Mr. Browne offered the following amendment to Section 3:

Amend Section 3 by striking out the words "State" where it appears in the first line of said section of the printed copy before the words Treasurer, and immediately after the word Treasurer.

The amendment was adopted.

Mr. Oates offered the following amendment to Section 3:

Amend Section 3 by striking out the words "Attorney General" where said words occur in said section.

Mr. Waddell moved to lay the amendment of Mr. Oates upon the table, and the motion prevailed.

Mr. Burnett offered the following amendment to Section 3:

To amend Section 3 by striking out the words where they occur, "on the first Monday in August," and inserting in lieu thereof the following, "on Tuesday after the first Monday in November," and to add to said Section 3, at the end the following words, "the Legislature shall have power to change the time of holding the election."

Pending the further consideration of the amendment offered by Mr. Burnett, Mr. Heflin, of Chambers, raised the point of order that the hour of 1 o'clock p. m. having arrived, under the rules the Convention stood adjourned.

The point of order was sustained, and the Convention adjourned until 10 o'clock to-morrow morning.

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## EIGHTEENTH DAY.

### CONVENTION HALL.

Montgomery, Ala., Wednesday, June 12, 1901.

The Convention met pursuant to adjournment.

Prayer was offered by Rev. Dr. Stakley of the city.

## ROLL CALL.

On a call of the roll of the Convention the following delegates answered to their names, which constituted a quorum :

Messrs. President,	Fitts,
Almon,	Fletcher,
Altman,	Foshee,
Ashcraft,	Foster,
Banks,	Freeman,
Barefield,	Gilmore,
Beavers,	Glover,
Beddow,	Graham (Montgomery),
Bethune,	Graham (Talladega),
Blackwell,	Grant,
Boone,	Grayson,
Brooks,	Greer (Calhoun),
Browne,	Greer (Marion),
Bulger,	Haley,
Burnett,	Handley,
Burns,	Harrison,
Cardon,	Heflin (Randolph),
Carmichael (Colbert),	Henderson,
Carmichael (Coffee),	Hinson,
Case,	Hodges,
Chapman,	Hood,
Cobb,	Howell,
Cofer,	Howze,
Coleman (Greene),	Inge,
Coleman (Walker),	Jackson,
Craig,	Jenkins,
Cunningham,	Jones (Bibb),
Davis (DeKalb),	Jones (Hale),
Davis (Etowah),	Jones (Montgomery),
Dent,	Jones (Wilcox),
deGraffenried,	Kirk,
Eley,	Kirkland,
Eyster,	Knight,
Espy,	Ledbetter,
Ferguson,	Leigh,

Lomax,	Proctor,
Long (Butler),	Reese,
Long (Walker),	Reynolds (Henry),
Lowe (Jefferson),	Robinson,
Lowe (Lawrence),	Rogers (Lowndes),
Macdonald,	Rogers (Sumter),
McMillan (Baldwin),	Sanders,
McMillan (Wilcox),	Sanford,
Malone,	Searcy,
Martin,	Selheimer,
Maxwell,	Sentell,
Merrill,	Sloan,
Miller (Marengo),	Smith (Mobile),
Miller (Wilcox),	Smith, Mac. A.,
Moody,	Smith, Morgan M.,
Morrisette,	Sollie,
Mulkey,	Sorrell,
Murphree,	Spears,
NeSmith,	Spragins,
Norman,	Stewart,
Norwood,	Thompson,
Oates,	Vaughan,
O'Neal (Lauderdale),	Waddell,
O'Neill (Jefferson),	Walker,
Opp,	Watts,
O'Rear,	Weakley,
Palmer,	Weatherly,
Parker (Cullman),	White,
Parker (Elmore),	Whiteside,
Pearce,	Willett,
Pettus,	Williams (Barbour),
Phillips,	Williams (Marengo),
Pillans,	Wilson (Washington).
Pitts,	Winn—139.
Porter,	

## RESOLUTIONS.

Mr. Harrison offered the following resolution:

Resolution 142, by Mr. Harrison:

Whereas, the immortal spirit of William J. Samford, the distinguished Governor of Alabama, has passed



from earth to the God who gave it, leaving the people of the entire State deeply impressed with a lively appreciation of his manly character and many virtues; and with a profound sense of the great loss sustained by the State, and

Whereas, His remains will reach this city from Tuscaloosa by special train about 6 o'clock this afternoon;

Now, therefore, be it resolved, First, That this Convention stand adjourned until Thursday at noon as a mark of respect to the lamented dead;

Second, Be it further resolved, That a committee of nine from this Convention be appointed by the President to proceed to Tuscaloosa to escort the remains to the Capitol and attend his funeral;

Third, Be it further resolved, That the family of the deceased be requested to allow the remains of the distinguished dead to lie in state in the Capitol during to-morrow, Thursday, until removed to his home at Opelika.

Mr. Harrison moved that the rules be suspended.

The motion prevailed.

Mr. Harrison moved that the resolution be adopted by a rising vote.

The motion prevailed, and the resolution was unanimously adopted.

The Chair thereupon appointed the following committee:

Committee—Messrs. George P. Harrison, J. J. Robinson, G. A. Searey, Thomas G. Jones, of Montgomery; C. H. Miller, of Marengo; John T. Ashcraft, R. M. Cunningham, J. B. Graham, of Talladega; Hubert T. Davis, of Etowah.

#### ADJOURNMENT.

Under the resolution above set out, the Convention adjourned until to-morrow at 12 o'clock m.

## NINETEENTH DAY.

## CONVENTION HALL.

Montgomery, Ala., Thursday, June 13, 1901.

The Convention met pursuant to adjournment.  
Prayer was offered by Rev. Mr. Gay of the city.

## ROLL CALL.

On a call of the roll of the Convention, the following delegates answered to their names, which constituted a quorum:

Messrs. President,	Cunningham,
Almon,	Davis (DeKalb),
Altman,	Davis (Etowah),
Ashcraft,	Dent,
Banks,	deGraffenried,
Barefield,	Duke,
Bartlett,	Eley,
Beavers,	Eyster,
Beddow,	Espy,
Bethune,	Ferguson,
Blackwell,	Fitts,
Boone,	Fletcher,
Brooks,	Foshee,
Browne,	Foster,
Burnett,	Freeman,
Burns,	Gilmore,
Byars,	Glover,
Cardon,	Graham (Montgomery),
Carmichael (Colbert),	Graham (Talladega),
Carmichael (Coffee),	Grant,
Case,	Grayson,
Chapman,	Gr��r (Calhoun),
Cofer,	Harrison,
Coleman (Greene),	Greer (Perry),
Coleman (Walker),	Haley,
Craig,	Handley,

Heflin (Chambers),	Oates,
Heflin (Randolph),	O'Neal (Lauderdale),
Henderson,	Opp,
Hinson,	O'Rear,
Hodges,	Palmer,
Hood,	Parker (Cullman),
Howell,	Parker (Elmore),
Howze,	Pearce,
Inge,	Pettus,
Jackson,	Phillips,
Jenkins,	Pillans,
Jones (Bibb),	Pitts,
Jones (Hale),	Porter,
Jones (Montgomery),	Proctor,
Jones (Wilcox),	Reese,
Kirk,	Robinson,
Kirkland,	Rogers (Sumter),
Knight,	Sanders,
Ledbetter,	Sanford,
Leigh,	Searcy,
Locklin,	Selheimer,
Lomax,	Sentell,
Long (Butler),	Sloan,
Long (Walker),	Smith (Mobile),
Lowe (Jefferson),	Smith, Mac. A.,
Lowe (Lawrence),	Smith, Morgan M.,
Macdonald,	Sollie,
McMillan (Baldwin),	Sorrell,
McMillan (Wilcox),	Spears,
Malone,	Spragins,
Martin,	Stewart,
Maxwell,	Tayloe,
Merrill,	Thompson,
Miller (Marengo),	Vaughan,
Miller (Wilcox),	Waddell,
Moody,	Walker,
Morrisette,	Watts,
Murphree,	Weakley,
NeSmith,	Weatherly,
Norman,	White,
Norwood,	Whiteside,

Willetts,	Wilson (Clarke),
Williams (Barbour),	Wilson (Washington).
Williams (Marengo),	Winn—142.
Williams (Elmore),	

LEAVE OF ABSENCE

Was granted to Mr. Kyle until Monday.

RESOLUTIONS.

Mr. Harrison offered the following resolution:

Resolution 143, by Mr. Harrison:

Whereas, the remains of Hon. W. J. Samford, late Governor of this State, now lie in state in the Capitol, and

Whereas, His funeral services will occur at his home in Opelika to-morrow, Friday, at 9:30 o'clock a. m., and the delegates of this Convention desire to attend these services;

Now, therefore, be it resolved, That this Convention do now recess until 2:30 this afternoon, and that when it adjourns this afternoon it adjourn to meet at 2:30 o'clock to-morrow, Friday, afternoon, in order to give the delegates the opportunity of attending said funeral services.

Mr. Graham, of Talladega, moved that the rules be suspended.

The motion prevailed.

Mr. Harrison moved that the resolution be adopted.

The motion prevailed.

RECESS.

Under the resolution above set out, the Convention recessed until 2:30 o'clock this afternoon.

EVENING SESSION.

The Convention met pursuant to adjournment.

## ROLL CALL.

On a call of the roll of the Convention the following delegates answered to their names, which constituted a quorum :

Messrs. President,	Graham (Talladega),
Barefield,	Grant,
Bartlett,	Grayson,
Beddow,	Greer (Calhoun),
Bethune,	Greer (Perry),
Brooks,	Haley,
Browne,	Handley,
Burnett,	Harrison,
Burns,	Heflin (Chambers),
Byars,	Heflin (Randolph),
Cardon,	Hinson,
Carmichael (Colbert),	Hood,
Carmichael (Coffee),	Howell,
Case,	Howze,
Cobb,	Jackson,
Cofer,	Jenkins,
Coleman (Greene),	Jones (Bibb),
Coleman (Walker),	Jones (Hale),
Craig,	Jones (Montgomery),
Cunningham,	Jones (Wilcox),
Davis (DeKalb),	Kyle,
Davis (Etowah),	Ledbetter,
Dent,	Leigh,
deGraffenried,	Locklin,
Duke,	Lomax,
Eley,	Long (Walker),
Eyster,	Lowe (Jefferson),
Espy,	Lowe (Lawrence),
Ferguson,	Macdonald,
Fitts,	McMillan (Wilcox),
Fletcher,	Malone,
Foshee,	Martin,
Freeman,	Merrill,
Gilmore,	Miller (Marengo),
Glover,	Miller (Wilcox),

Moody,	Smith (Mobile),
Morrisette,	Smith, Mac. A.,
Murphree,	Smith, Morgan M.,
NeSmith,	Sollie,
Norwood,	Sorrell,
Oates,	Spears,
O'Neal (Lauderdale),	Spragins,
Opp,	Stewart,
O'Rear,	Studdard,
Parker (Elmore),	Thompson,
Pearce,	Vaughan,
Pettus,	Waddell,
Phillips,	Walker,
Pillans,	Watts,
Pitts,	Weakley,
Proctor,	Weatherly,
Reese,	White,
Robinson,	Whiteside,
Rogers (Lowndes),	Williams (Barbour),
Rogers (Sumter),	Williams (Marengo),
Sanders,	Williams (Elmore),
Sanford,	Wilson (Washington).
Selheimer,	Winn—117.
Sentell,	

#### LEAVE OF ABSENCE

Was granted to Messrs. Williams, of Elmore, indefinitely; Reynolds, of Henry, until Monday.

#### REPORT OF THE COMMITTEE ON THE JOURNAL.

The chairman of the Committee on the Journal submitted the following report, which was concurred in:

The Committee on the Journal beg leave to report that they have examined the Journal for the seventeenth day of the Convention, and that the same is correct.

Respectfully submitted,

JOHN F. PROCTOR, *Chairman.*

## RESOLUTIONS ON FIRST READING.

The following resolutions were offered, read one time at length, and referred to appropriate committees, as follows:

Resolution 144, by Mr. Watts:

Be it resolved, That the Committee on Executive Department report to this Convention whether any separate ordinance or provision in the Constitution to be framed is necessary to provide for succession in the office of Governor until the Governor elected in 1902 goes into office.

The resolution was referred to the Committee on Executive Department.

Resolution 145 (with message), by Mr. Weakley:

Be it resolved by this Convention that the proper officers of this Convention be instructed to transmit to the Constitutional Convention of the State of Virginia, now in session at Richmond, the following message:

*To the President and Delegates of the Constitutional Convention of the State of Virginia, Richmond, Va.:*

The President and delegates of the Constitutional Convention of the State of Alabama, now in session at Montgomery, extend greetings to the President and delegates of the Constitutional Convention of the State of Virginia, now in session at Richmond.

Mr. Weakley moved that the rules be suspended, and that the resolution be adopted.

The motion prevailed, and the resolution was adopted.

## ORDINANCES ON FIRST READING.

The following ordinances were introduced, severally read one time at length, and referred to appropriate committees, as follows:

Ordinance 370, by Mr. Rogers, of Sumter:

Relates to the meeting of the Legislature.

The ordinance was referred to the Committee on Legislative Department.

Ordinance 371, by Mr. Parker, of Elmore:

An ordinance to amend Section 17 of Article VI of the present Constitution.

The ordinance was referred to the Committee on Judiciary.

#### REPORT OF STANDING COMMITTEES.

Mr. Jones, of Montgomery, chairman of the Committee on Executive Department, submitted the following report:

*Mr. President:*

The Committee on Executive Department direct me to report as a substitute for ordinance No. 349, "To establish a Great Seal for the State of Alabama," the following:

Section 22. Commemorative of the heroism of Emma Sanson the Great Seal of the State, which shall be used officially by the Governor, shall consist of the figure of an officer on horseback, fully armed, and a young woman seated behind him, with her left hand pointing forward; and the legend "I will show you the way." The said seal shall be called the Great Seal of the State of Alabama. The committee recommend that Section 22 of the ordinance "to create and define the Executive Department," as it now stands, be stricken out, and that said substitute be adopted in lieu thereof.

THOMAS G. JONES, *Chairman.*

The ordinance was read a second time at length, and placed upon the calendar, and 300 copies ordered printed.

#### REPORT OF THE COMMITTEE ON RULES.

Mr. Smith, of Mobile, acting chairman of the Committee on Rules, submitted the following report:

The committee reports adversely resolution No. 136, introduced by Mr. Proctor of Jackson, and recommends that it be not adopted by the Convention. Said resolution reads as follows:



**Resolution No. 136:**

Resolved, That on and after the passage of this resolution all requests for leave of absence shall be reduced to writing, and sent to the Secretary's desk by 12 o'clock of each day and passed upon by the Convention at that hour and that no other requests for absence shall be considered at any other time.

The committee amends resolution No. 141, introduced by Mr. Wilson, of Clarke, by striking out the words "ten-thirty" and inserting in place thereof the word "eleven." The committee reports favorably on the resolution, as amended, and recommends that it, as amended, be adopted by the Convention. Said resolution, as amended, reads as follows:

**Resolution No. 141:**

Resolved, That subdivision 6, of Rule 22, be amended so as to read as follows: 6. Call of the roll in alphabetical order for the introduction of resolutions, memorials, petitions and ordinances, and their proper reference. But if the roll call is not completed by 11 o'clock of any day, the Convention shall at that hour proceed with the next regular order of business.

The committee herewith returns to the Convention the resolutions hereinabove referred to.

Mr. Beddow moved that resolution 136, set out in the above and foregoing report of the Committee on Rules, be laid upon the table.

And the motion prevailed.

Mr. White moved that resolution 141, set out in the above and foregoing report of the Committee on Rules, be adopted.

And the motion prevailed.

**SUSPENSION OF THE RULES.**

Mr. White moved that the rules be suspended and that the committee proceed to the consideration of the report of the Committee on Executive Department.

The rules were suspended, and the Convention proceeded to the Consideration of the

## UNFINISHED BUSINESS,

Which was an ordinance "To create and define the Executive Department."

The question being upon the adoption of the amendment to Section 3 of the said ordinance, offered by Mr. Burnett.

To amend Section 3 by striking out the words, where they occur "on the first Monday in August," and inserting in lieu thereof the following: "On Tuesday after the first Monday in November." And to add to said Section 3, at the following words, "The Legislature shall have the power to change the time of holding the election."

By unanimous consent the amendment was withdrawn.

Mr. Sanford offered the following amendment to Section 3, which was read at length:

To amend 3 by striking out the words "four years" and the insertion therein of the words "two years."

Mr. Reese moved to table the amendment offered by Mr. Sanford, and the motion prevailed.

Mr. O'Rear offered the following amendment to Section 3, which was read at length:

Amend Section 3 by striking out the figures "1902" and insert in lieu thereof the figures "1904."

Mr. Jones, of Montgomery, moved to table the amendment offered by Mr. O'Rear, and the motion prevailed.

Mr. Coleman, of Greene, offered the following amendment to Section 3, which was read at length:

Amend Section 3 by striking out the words "1902" and insert therein the words "1904."

Mr. Dent moved to table the amendment offered by Mr. Coleman, of Greene, and the motion prevailed.

Mr. Jones, of Bibb, offered the following amendment to Section 3, which was read at length:

Amend Section 3 by adding immediately after the words "Attorney General" the words "who shall be learned in the law."

The amendment offered by Mr. Jones, of Bibb, was lost.

Mr. Howze moved that Section 3, as amended:

Sec. 3. The Governor, Lieutenant Governor, Secretary of State, Treasurer, Auditor, Attorney General, Superintendent of Education, and Commissioner of Agriculture and Industries, shall be elected at the same time and places appointed for the election of members of the General Assembly in 1902, and every four years thereafter by the qualified electors of the State.

The motion of Mr. Howze prevailed, and Section 3, as amended, was adopted.

#### SECTION FOUR.

Sec. 4. The returns of every election for Governor, Lieutenant-Governor, Secretary of State, State Auditor, State Treasurer, Attorney-General, Superintendant of Education, and Commissioner of Agriculture and Industries, shall be sealed up and transmitted by the returning officers to the seat of Government, and directed to the Speaker of the House of Representatives, who shall, during the first week of the session to which said returns shall be made, open and publish them in the presence of both Houses of the General Assembly in joint Convention; but the Speaker's duty shall be purely ministerial, in this respect and any objection to any return on account of informality, defect or other cause, shall be decided by the Speaker, subject to the control of the majority of the joint convention. The person having the highest number of votes for either of said offices shall be declared duly elected; but if two or more persons shall have an equal and the highest number of votes for the same office, the General Assembly, by joint vote, without delay, shall choose one of said persons for said office. Contested elections for Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, Attorney General, Superintendent of Education, and Commissioner of Agriculture and Industries shall be determined by both Houses of the General Assembly, in such manner as may be prescribed by law,—was read at length.

Mr. Graham, of Talladega, offered the following amendment to Section 4, which was read at length:

Amend Section 4 by striking out the word "State" before the words "Auditor and Treasurer" wherever it occurs in the section.

The amendment was adopted.

Mr. Graham, of Talladega, offered the following amendment to Section 4, which was read at length:

Amend line 13 of Section 4 by substituting the word "any" for the word "either."

The amendment was adopted.

Mr. Robinson offered the following amendment to Section 4, which was read at length:

Amend Section 4 by inserting after the word "Convention" in the ninth line, the following, "but said objection shall be determined without debate or delay, and the power of said Convention shall be limited by that of the Speaker."

The amendment was adopted.

#### RECONSIDERATION.

Mr. Fitts moved that the vote by which the amendment offered by Mr. Robinson passed, be reconsidered.

Mr. Reese raised the point of order that under the rules the motion of Mr. Fitts should go over until tomorrow for consideration.

The point of order was sustained.

Mr. deGraffenried moved that the rules be suspended in order to immediately reconsider the vote by which the amendment was adopted.

The motion prevailed, and the rules were suspended.

Mr. Fitts moved that the vote by which the amendment offered by Mr. Robinson was adopted be reconsidered, and the motion prevailed.

Mr. Rogers, of Sumter, offered the following resolution, which was read at length:

Resolved, That it is the sense of this Convention that Section 4 of an ordinance "to create and define the Executive Department." is ambiguous, and that we do recommend it to said committee for revision.

The resolution was adopted, and Section 4 of the ordinance was recommitted to the Committee on Executive Department.

#### SECTION FIVE.

Sec. 5. The Governor, Lieutenant Governor, Secretary of State, State Treasurer, Attorney General, State Auditor, Superintendent of Education, and Commissioner of Agriculture and Industries shall hold their respective offices for the term of four years from the first day of December of the year in which they shall have been elected, and until their successors shall be elected and qualified, and under the first election under this Constitution neither of them shall be eligible as his own successor; and the Governor shall not be eligible to election to any office under this State within one year after the expiration of his term; and his acceptance of the office shall be a pledge to the people not to accept an election or appointment to the Senate of the United States at any time during his term, or within one year thereafter.

Was read at length.

Mr. Jones, Chairman of the committee, offered the following amendment to Section 5, which was read at length:

Amend Section 5 by adding the words "elected in the year 1902" between the word "Commissioner of Agriculture and Industries" and the word "shall" in such section.

Mr. Walker offered the following substitute for the amendment offered by the committee, which was read at length:

Amend by adding after word 1902 in amendment the following words, "and in each fourth year thereafter."

Mr. Lomax moved to table the substitute for the amendment offered by Mr. Walker, and the motion prevailed.

The question recurred upon the adoption of the amendment offered by the committee.

Mr. Jones, of Montgomery, moved that the amendment be adopted, and the motion prevailed.

Mr. deGraffenried offered the following amendment to Section 5, which was read at length:

Amend Section 5 by striking therefrom all the section that succeeds the following words in line seven, viz.: "After the expiration of his term."

Mr. Long, of Walker, offered the following substitute for the amendment offered by Mr. deGraffenried, which was read at length:

Amend Section 5 by adding the words "or appointment" after the word "election" in the sixth line.

Amend further by striking out all words after the word "term" in the seventh line.

The substitute was lost.

Mr. Greer, of Calhoun, offered the following amendment to the amendment offered by Mr. deGraffenried, which was read at length:

Amend by striking out after the word "qualified" in fifth line the balance of said section.

Mr. Boone moved to table the amendment to amendment offered by Mr. Greer, of Calhoun:

And the motion prevailed.

Mr. Browne offered the following substitute for the amendment offered by Mr. deGraffenried, which was read at length:

Strike out all of Section 5 after the words "shall be eligible" in line 6, and insert in lieu thereof the words "to election or appointment to any office under this State within one year after the expiration of his term."

The substitute for the amendment was temporarily withdrawn.

#### ADJOURNMENT.

Mr. Jones, of Montgomery, moved that the Convention adjourn until 2:30 p. m. to-morrow.

The motion prevailed.

And finding the further consideration of the amendment offered by Mr. deGraffenried to Section 5 of the ordinance "To create and define the Executive Department," the Convention adjourned until to-morrow at 2:30 p. m.

## TWENTIETH DAY.

## CONVENTION HALL.

Montgomery, Ala., Friday, June 14, 1901.

The Convention met pursuant to adjournment.

## ROLL CALL.

On a call of the roll of the Convention the following delegates answered to their names, which constituted a quorum:

Messrs. President,	Davis (Etowah),
Almon,	Dent,
Altman,	deGraffenried,
Ashcraft,	Duke,
Banks,	Eyster,
Barefield,	Espy,
Beaver,	Ferguson,
Beddow,	Fitts,
Bethune,	Fletcher,
Blackwell,	Foshee,
Boone,	Foster,
Brooks,	Gilmore,
Browne,	Glover,
Bulger,	Graham (Montgomery),
Burnett,	Graham (Talladega),
Burns,	Greer (Calhoun),
Byars,	Greer (Perry),
Carmichael (Colbert),	Handley,
Carmichael (Coffee),	Harrison,
Chapman,	Heflin (Chambers),
Cobb,	Heflin (Randolph),
Cofer,	Henderson,
Coleman (Greene),	Hodges,
Coleman (Walker),	Hood,
Cornwell,	Howell,
Craig,	Howze,
Davis (DeKalb),	Inge,

Jackson,	Parker (Elmore),
Jenkins,	Pearce,
Jones (Bibb),	Pettus,
Jones (Hale),	Pillans,
Jones (Montgomery),	Pitts,
Jones (Wilcox),	Porter,
Knight,	Proctor,
Ledbetter,	Reese
Leigh,	Reynolds (Chilton),
Locklin,	Rogers (Lowndes),
Lomax,	Rogers (Sumter),
Long (Butler),	Sanders,
Long (Walker),	Sanford,
Lowe (Jefferson),	Selheimer,
Lowe (Lawrence),	Sentell,
Macdonald,	Sloan,
McMillan (Wilcox),	Smith (Mobile),
Malone,	Smith, Mac. A.,
Martin,	Smith, Morgan M.,
Maxwell,	Sorrell,
Merrill,	Spears,
Miller (Marengo),	Spragins,
Miller (Wilcox),	Tayloe,
Moody,	Thompson,
Morrisette,	Vaughan,
Mulkey,	Waddell,
Murphree,	Walker,
NeSmith,	Weakley,
Norman,	Weatherly,
Norwood,	White,
Oates,	Whiteside,
O'Neal (Lauderdale),	Williams (Barbour),
Opp,	Williams (Marengo),
O'Rear,	Wilson (Clarke),
Palmer,	Wilson (Washington).
Parker (Cullman),	Winn—126.

## LEAVE OF ABSENCE

Was granted to Messrs. Kyle for to-day and to-morrow; Robinson for to-day and to-morrow; O'Neil, of Jef-



ferson, for to-day; Grant for to-day; Sollie for to-day; Kirkland for to-day; Espy for to-morrow; Haley for to-day, to-morrow and Monday; Weakley for to-morrow; Norwood for to-morrow; Moody for to-morrow.

#### REPORT OF THE COMMITTEE ON THE JOURNAL.

The chairman of the Committee on the Journal submitted the following report, which was concurred in:

The Committee on the Journal beg leave to report that they have examined the Journal for the nineteenth day of the Convention, and that the same is correct.

Respectfully submitted,

JOHN F. PROCTOR, *Chairman.*

#### RESOLUTIONS.

Mr. Reese offered the following resolution:

Resolution 146:

Resolved, That hereafter when members shall come into the Convention, after the roll call, their presence may be noted by the Secretary, upon their personal application, without interrupting the Convention proceedings.

Mr. deGraffenried moved that the rules be suspended and the resolution be placed upon its immediate passage. The rules were suspended and the resolution was adopted.

#### REPORT OF STANDING COMMITTEES.

Mr. Browne, chairman of the Committee on Taxation, submitted the following report, which was read one time at length, and 300 copies ordered printed:

#### REPORT OF COMMITTEE ON TAXATION.

*Mr. President:*

The Committee on Taxation has instructed me to make the following report, viz.:

All of the ordinances referred to it have been carefully examined and considered by the Committee, and

the substance of some of them has been incorporated in the herewith submitted Article on Taxation, which is recommended to be adopted in lieu of Article XI of the Constitution of 1875. Those suggestions, presented in such ordinances, which have been incorporated in the proposed article, will be manifest by the reading thereof.

All ordinances referred to the Committee are herewith returned. The changes in the Article on Taxation are as follows:

Section 1 has been so amended as to exclude from taxation debts for the rent or hire of real or personal property for the current year of rental or hire, in the hands of the landlord or hire, when the real or personal property is assessed for taxation at its full value.

Section 3 has been amended so as to authorize the Governor to negotiate temporary loans, not to exceed three hundred thousand dollars, whereas under the Constitution of 1875, such loans are limited to one hundred thousand dollars. And Section 3 has been so amended as to provide for refunding the bonded indebtedness of the State.

Section 4 is amended by limiting the amount of State tax to 65-100 of 1 percentum, instead of 3-4 of 1 percentum.

Section 5 is amended so as to provide for the construction and maintenance of public roads by special taxation, as is now provided for public buildings and bridges, but all of such special tax is limited to 1-4 of 1 percentum, whereas the special tax for such buildings and bridges is now without constitutional limitation.

This section is further so amended as to provide that counties may levy and collect such special taxes as may be authorized by law for public schools, provided the extent of such tax, the time it is to be continued, and the purpose thereof, shall be first submitted to a vote of the qualified electors of the county who are property tax payers, and voted for by a majority in numbers, and in taxable value of property, voting at such election: provided also, that no such tax shall increase the total amount of taxation for all State and County purposes,

except public buildings, roads and bridges, to a greater rate than \$1.25 on every one hundred dollars of taxable property. This public school fund is provided to be equitably appropriated, and paid to the several public schools in the county by the Commissioners' Court or Boards of Revenue thereof.

Sec. 6 has been amended by striking out the words "or enterprises."

Sec. 7 has been amended so as to provide for the levy and collection by cities and towns of a special school tax under similar restrictions to those with regard to the special school tax of counties providing the rate for all State, County and City purposes shall not exceed \$1.75 on the one hundred dollars of taxable property. This fund is to be appropriated equitably among and paid to the public schools of the city or town by the corporate authorities thereof.

Sec. 8 has been entirely omitted.

An additional section (as Section 9) is recommended limiting the indebtedness of counties to 5 percentum of the taxable value of the property thereof, but providing it shall not apply to indebtedness in excess of such 5 percentum which has been already created or authorized by law to be created.

A second additional section (as Section 10) is recommended limiting the indebtedness of cities and towns to 5 percentum of the taxable value of the property, but allowing an additional 3 percentum indebtedness for waterworks, gas and electric light plants, and sanitary sewerage. It is further provided that such limitation shall not apply to indebtedness in excess of such 5 percentum already created or authorized by law to be created.

CECIL BROWNE,

*Chairman of Committee on Taxation.*

#### ARTICLE XI—TAXATION.

Sec. 1. All taxes levied on property in this State shall be assessed in exact proportion to the value of such

property, but no tax shall be assessed upon any debt for rent or hire of real or personal property while owned by the landlord or hirer during the current year of such rental or hire, and when such real or personal property is assessed at its full value; provided, however, the General Assembly may levy a poll tax, not to exceed \$1.50 on each poll, which shall be applied exclusively in aid of the public school fund in the county so paying the same.

Sec. 2. No power to levy taxes shall be delegated to individuals or private corporations.

Sec. 3. After the ratification of this Constitution, no new debt shall be created against, or incurred by this State, or its authority, except to repel invasion or suppress insurrection, and then only by a concurrence of two-thirds of the members of each House of the General Assembly, and the vote shall be taken by yeas and nays, and entered on the Journals; and any act creating or incurring any new debt against this State, except as herein provided for, shall be absolutely void; provided, the Governor may be authorized to negotiate temporary loans, never to exceed three hundred thousand dollars, to meet the deficiencies in the Treasury; and until the same is paid, no new loan shall be negotiated; provided further, that this section shall not be so construed as to prevent the issuance of bonds for the purpose of refunding the State's existing bonded indebtedness.

Sec. 4. The General Assembly shall not have the power to levy, in any one year, a greater rate of taxation than 65-100 of 1 percentum on the value of the taxable property within this State.

Sec. 5. No county in this State shall be authorized to levy a larger rate of taxation, in any one year, on the value of the taxable property therein, than 1-2 of 1 percentum; provided, that to pay debts existing at the ratification of the Constitution of 1875, an additional rate of 1-4 of 1 per centum may be levied and collected, which shall be exclusively appropriated to the payment of such debts or the interest thereon; provided further, that to pay any debt or liability now existing against

any county, incurred for the erection, construction and maintenance of the necessary public buildings or bridges or roads, any county may levy and collect such special taxes not to exceed a rate of 1-4 of 1 percentum, as may have been or may hereafter be authorized by law, which taxes so levied and collected shall be applied exclusively to the purposes for which the same were so levied and collected; provided further, that for the maintenance of public schools any county may levy and collect such special tax as may be authorized by law, provided such special tax, the time it is to continue, and the purposes thereof, shall have been first submitted to a vote of the property taxpayers, who are qualified electors in said county and voted for by majority thereof in numbers and in value of taxable property, voting at such election, provided that the rate of such special tax for maintenance of public schools shall not increase the rate of taxation in any one year to more than \$1.25 on every one hundred dollars worth of taxable property, for all State and County purposes, excluding any special tax for the erection, construction and maintenance of necessary public buildings, bridges and roads; and **provided further**, that such special tax for schools shall be apportioned equitably and paid to the public schools of such county, by the Court of County Commissioners or Board of Revenue thereof.

Sec. 6. The property of private corporations, associations and individuals of this State shall forever be taxed at the same rate; provided, this section shall not apply to institutions devoted exclusively to religious, educational or charitable purposes.

Sec. 7. No city, town or other municipal corporation other than provided for in this article, shall levy or collect a larger rate of taxation in any one year on the property thereof, than 1-2 of 1 per centum of the value of such property, as assessed for State taxation during the preceding year; provided, that for the payment of debts existing at the time of the ratification of the Constitution of 1875 and the interest thereon, an additional rate of 1 per centum may be collected, to be applied exclusively to such indebtedness; provided, further, that

for the maintenance of public schools such city, town or other municipal corporation may levy and collect such special tax as may be authorized by law, provided such special tax shall not be levied and collected when it shall cause a greater rate of taxation in any one year than one dollar and seventy-five cents on every hundred dollars of taxable property, for all State, county and municipal purposes, except the erection, construction and maintenance by counties of necessary public buildings, bridges or roads, and provided such special tax for schools, the time it is to continue, and the purposes thereof, shall have been first submitted to a vote of the property tax payers who are qualified electors in said city, town or other municipal corporations, and voted for by majority thereof, in numbers, and in value of taxable property, voting at such election, and provided such tax for schools shall be apportioned equitably and paid to the public schools of said city, town or other municipal corporation by the municipal authorities thereof; and provided, this section shall not apply to the city of Mobile, which city may levy a tax not to exceed the rate of 3-4 of 1 per centum to pay the expenses of the city government, and may also levy a tax not to exceed the rate of 3-4 of 1 per centum to pay the indebtedness of said city existing at the time of the ratification of the Constitution of 1875, and the interest thereon; provided further, that this section shall not apply to the city of Birmingham, which city may levy and collect a tax not exceeding 1-2 of 1 per centum, in addition to the tax of 1-2 of 1 per centum hereinabove allowed to be levied and collected, such special tax to be applied exclusively to the payment of the interest on the bonds of the said city of Birmingham heretofore issued by said city in pursuance of law, and for a sinking fund to pay off said bonds at the maturity thereof.

Sec. 8. The General Assembly shall not have the power to require the counties or other municipal corporations to pay any charges which are now payable out of the State Treasury.

Sec. 9. No county shall become indebted in an amount greater than 5 per centum of the taxable value of the

property thereof; provided, this section shall not apply to any indebtedness in excess of such 5 per cent. which has already been created, or authorized by law to be created.

Sec. 10. No city, town or other municipal corporation shall become indebted in an amount exceeding 5 per centum of the taxable value of the property thereof; provided, that for the erection or purchase of water-works, gas or electric plants, or sanitary sewerage an additional indebtedness not to exceed 3 per centum may be created; provided, further, that this section shall not apply to indebtedness in excess of such 5 per centum already created or authorized by law to be created.

#### UNFINISHED BUSINESS.

The Convention proceeded to the consideration of the unfinished business, which was Section 5 of the ordinance "To create and define the Executive Department."

Sec. 5. The Governor, Lieutenant Governor, Secretary of State, State Treasurer, Attorney General, State Auditor, Superintendent of Education, and Commissioner of Agriculture and Industries shall hold their respective offices for the term of 4 years from the first day of December of the year in which they shall have been elected, and until their successors shall be elected and qualified, and after the first election under this Constitution neither of them shall be eligible as his own successor; and the Governor shall not be eligible to election to any office under this State within one year after the expiration of his term; and his acceptance of the office of Governor shall be a pledge to the people not to accept an election or appointment to the Senate of the United States at any time during his term, or within one year thereafter.

The question being upon the amendment offered by Mr. deGraffenried, which was read at length:

Amend Section 5 by striking therefrom all of the section that succeeds the following words in line seven, namely, "after the expiration of his term."

Mr. White moved to table the amendment offered by Mr. deGraffenried.

And the motion of Mr. White was lost.

The question recurred again upon the adoption of the amendment offered by Mr. deGraffenried, and the amendment was adopted.

Mr. Pettus offered the following amendment, which was read at length:

Amend Section 5, line six, by striking out the words "neither of them" in line five and six of said section, and inserting in lieu thereof the words "no one of said officers."

And the amendment was adopted.

Mr. Chapman offered the following amendment, which was read at length:

Amend Section 5 of Article 5 as follows, by striking out the word "one" in lines seven and nine, and inserting in lieu thereof the word "four."

Mr. Jones, of Montgomery, moved to table the amendment offered by Mr. Chapman, and the motion prevailed.

Mr. Foster offered the following amendment, which was read at length:

Amend Section 5 by adding immediately after the word "State," in line seven, the following, "or to the Senate of the United States."

And the amendment was adopted.

Mr. Dent offered the following amendment, which was read at length:

Amend Section 5 of Article 5 by adding after the words "as his own successor," in the sixth line, the following words, "nor shall they be eligible as the successors of each other."

Mr. Pettus moved to table the amendment offered by Mr. Dent, and the motion prevailed.

Mr. Ashcraft offered the following amendment, which was read at length:

Amend Section 5 by striking out of line six thereof the following words, "as his own successor; and the Governor shall not be eligible."

Mr. Weatherly moved to table the amendment offered by Mr. Ashcraft, and the motion prevailed.



Mr. Harrison offered the following amendment, which was accepted by the chairman of the Committee on Executive Department:

Amend Section 5 by striking out the word "December" where it occurs in the fourth line of said section, and insert in lieu thereof the word "November," and strike out the word "first" where it occurs on the third line of said section and insert in lieu thereof the word "fifteenth."

The amendment of Mr. Harrison was adopted.

Mr. Pearce offered the following amendment, which was read at length:

Amend Section 5 in the sixth line, after the word "election" by adding the words "or appointment."

And the amendment was adopted.

And Section 5, as amended, was adopted.

#### SECTION SIX.

Sec. 6. The Governor and Lieutenant Governor shall each be at least thirty years of age when elected, and shall have been citizens of the United States ten years, and resident citizens of this State at least seven years next before the date of their election. The Lieutenant Governor shall be ex-officio President of the Senate, which shall elect a President pro tem from among its own members, who shall discharge the duties of the Lieutenant Governor in the Senate, whenever he is absent or disqualified.

Was read at length.

Mr. Spraggins offered the following amendment, which was read at length:

To amend Section 6 by adding at the end thereof "but the Lieutenant Governor, when acting as President of the Senate, shall have no right to vote, except in the event of a tie.

The amendment was adopted.

And Section 6, as amended, was adopted.

#### SECTION SEVEN.

Sec. 7. The Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, Attorney General, Su-

perintendent of Education, and Commissioner of Agriculture and Industries shall receive compensation for their services, which shall be fixed by law, and which shall not be increased or diminished during the term for which they have been elected, and with the exception of the Lieutenant Governor, shall reside at the Capital. After the adoption of this Constitution, the compensation of the Governor shall be five thousand dollars per annum, which shall not be thereafter increased or diminished during the term for which he shall have been electd.

Mr. Vaughan submittd the following minority report :

The undersigned member of the Committee on Executive Department does not concur in the report of the Committee as to Section 7, and he offers as a substitute for Section 7, the following :

Sec. 7. The Governor, Lieutenant Governor, Secretary of State, State Auditor and Attorney General shall receive compensation for their services which shall be fixed by law, and which shall not be increased or diminished during the term for which they shall have been elected, and shall, except the Lieutenant Governor, reside at the State Capital during the time they continue in office, except in cases of epidemic.

Mr. Vaughan asked unanimous consent to offer the following amendment to Section 7 of the minority report :

Amend Section 7 by adding thereto "State Treasurer" after the words Secretary of State in the first line of the section; and the words "Commissioner of Agriculture and Industries" after the words "State Auditor" in the same line.

Consent was given, and the amendment was adopted.

Mr. Henderson offered the following amendment to the minority report, which was read at length :

Amend Section 7 of the minority report by striking out the words "Lieutenant Governor" from the first line of said section.

Mr. deGraffenried moved to table the amendment offered by Mr. Henderson, and the motion prevailed.

Mr. Howze offered the following amendment, which was read at length:

Amend Section 7 of the minority report by adding the following: "The Lieutenant Governor shall be paid the same compensation as that received by the Speaker of the House, except when serving as Governor, when he shall receive the salary of said office.

And the amendment was adopted.

Mr. deGraffenried moved to table the minority report, and the motion was lost.

Yeas, 37; nays, 90.

#### YEAS.

Messrs. President,	Macdonald,
Beddow,	Merrill,
Bethune,	Morrisette,
Boone,	Norwood,
Brooks,	Oates,
Burnett,	O'Neal (Lauderdale),
Carmichael (Coffee),	Palmer,
Dent,	Pitts,
deGraffenried,	Rogers (Lowndes),
Fitts,	Sanders,
Gilmore,	Selheimer,
Graham (Talladega),	Smith (Mobile),
Heflin (Randolph),	Smith, Morgan M.,
Howell,	Tayloe,
Inge,	Waddell,
Jones (Bibb),	Watts,
Jones (Montgomery),	White,
Lomax,	Wilson (Clarke)—37.
Lowe (Jefferson),	

#### NOES.

Almon,	Bartlett,
Altman,	Beavers,
Ashcraft,	Blackwell,
Banks,	Browne,
Barefield,	Bulger,

Messrs. Almon,  
 Byars,  
 Carmichael (Colbert),  
 Case,  
 Chapman,  
 Cobb,  
 Cofer,  
 Coleman (Greene),  
 Coleman (Walker),  
 Cornwell,  
 Craig,  
 Cunningham,  
 Davis (DeKalb),  
 Davis (Etowah),  
 Duke,  
 Eley,  
 Eyster,  
 Espy,  
 Ferguson,  
 Fletcher,  
 Foster,  
 Freeman,  
 Glover,  
 Greer (Calhoun),  
 Greer (Perry),  
 Handley,  
 Harrison,  
 Heflin (Chambers),  
 Henderson,  
 Hodges,  
 Hood,  
 Howze,  
 Jackson,  
 Jenkins,  
 Jones (Hale),  
 Jones (Wilcox),  
 Knight,  
 Ledbetter,  
 Leigh,  
 Locklin,

Long (Butler),  
 Long (Walker),  
 Lowe (Lawrence),  
 McMillan (Wilcox),  
 Malone,  
 Martin,  
 Maxwell,  
 Miller (Marengo),  
 Miller (Wilcox),  
 Moody,  
 Murphree,  
 Opp,  
 O'Rear,  
 Parker (Cullman),  
 Parker (Elmore),  
 Pearce,  
 Pettus,  
 Pillans,  
 Porter,  
 Proctor,  
 Reese,  
 Rogers (Sumter),  
 Sanford,  
 Searcy,  
 Sentell,  
 Smith, Mac. A.,  
 Sorrell,  
 Spears,  
 Spragins,  
 Stewart,  
 Studdard,  
 Thompson,  
 Vaughan,  
 Walker,  
 Weakley,  
 Weatherly,  
 Whiteside,  
 Williams (Barbour),  
 Wilson (Washington),  
 Winn—90.

Mr. Pettus offered the following amendment, which was read at length:

Amend section of the minority report by striking out the word "State" where it appears respectively before the word "Auditor" and "Treasurer" in the first line of said section; and inserting the words "Superintendent of Education" after the word "General" in the second line of said section.

The amendment was adopted.

Mr. Burns offered the following amendment, which was read at length:

Amend by inserting after "salary" and per diem.

The amendment of Mr. Burns was lost.

Mr. Vaughan moved to adopt the minority report for Section 7, as amended, and the motion prevailed.

Yeas, 88; nays, 41.

#### YEAS.

Messrs. Almon,	Duke,
Altman,	Eley,
Ashcraft,	Eyster,
Barefield,	Espy,
Bartlett,	Ferguson,
Beavers,	Fletcher,
Blackwell,	Foster,
Browne,	Freeman,
Bulger,	Glover,
Burns,	Greer (Calhoun),
Byars,	Greer (Perry),
Carmichael (Colbert),	Handley,
Case,	Harrison,
Chapman,	Heflin (Chambers),
Cobb,	Henderson,
Cofer,	Hinson,
Coleman (Greene),	Hodges,
Coleman (Walker),	Hood,
Cornwell,	Jackson,
Cunningham,	Jenkins,
Davis (DeKalb),	Jones (Bibb),
Davis (Etowah),	Jones (Hale),

Jones (Wilcox),  
Knight,  
Ledbetter,  
Leigh,  
Locklin,  
Long (Butler),  
Long (Walker),  
Lowe (Lawrence),  
McMillan (Wilcox),  
Malone,  
Martin,  
Maxwell,  
Miller (Marengo),  
Miller (Wilcox),  
Moody,  
Murphree,  
Opp,  
O'Rear,  
Parker (Cullman),  
Parker (Elmore),  
Pearce,  
Pettus,

Pillans,  
Porter,  
Proctor,  
Reese,  
Rogers (Sumter),  
Searcy,  
Sentell,  
Sloan,  
Smith, Mac. A.,  
Sorrell,  
Spears,  
Spragins,  
Stewart,  
Thompson,  
Vaughan,  
Walker,  
Weakley,  
Weatherly,  
Whiteside,  
Williams (Barbour),  
Wilson (Washington).  
Winn—88.

NAYS

Messrs. President,  
Banks,  
Beddow,  
Bethune,  
Boone,  
Brooks,  
Burnett,  
Carmichael (Coffee),  
Craig,  
Dent,  
deGraffenried,  
Fitts,  
Gilmore,  
Graham (Montgomery),  
Graham (Talladega),  
Heflin (Randolph),

Howell,  
Howze,  
Inge,  
Jones (Montgomery),  
Lomax,  
Macdonald,  
Merrill,  
Morrisette,  
Norman,  
Norwood,  
Oates,  
O'Neal (Lauderdale),  
Palmer,  
Pitts,  
Rogers (Lowndes),  
Sanders,

Sanford,  
Selheimer,  
Smith (Mobile),  
Smith, Morgan M.,  
Tayloe,

Waddell,  
Watts,  
White,  
Wilson (Clarke)—41.

And Section 7, as amended, was adopted.

#### SECTION EIGHT.

Sec. 8. The Governor shall take care that the laws be faithfully executed.

Was read at length and adopted.

#### ADJOURNMENT.

On motion of Mr. Jones, of Montgomery, the Convention adjourned until 10 o'clock to-morrow morning.

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### TWENTY-FIRST DAY.

#### CONVENTION HALL.

Montgomery, Ala., Saturday, June 15, 1901.

The Convention met pursuant to adjournment.

Prayer was offered by Rev. Mr. Gay of the city.

#### ROLL CALL.

On a call of the roll of the Convention the following delegates answered to their names, which constitute a quorum:

Messrs. President,  
Almon,  
Altman,  
Banks,  
Barefield,  
Bartlett,

Beavers,  
Beddow,  
Bethune,  
Blackwell,  
Boone,  
Brooks,

Browne,  
Burns,  
Byars,  
Carnathon,  
Case,  
Chapman,  
Cobb,  
Cofer,  
Coleman (Greene),  
Cornwell,  
Craig,  
Cunningham,  
Davis (DeKalb),  
Davis (Etowah),  
Dent,  
deGraffenried,  
Duke,  
Eley,  
Eyster,  
Ferguson,  
Fitts,  
Fletcher,  
Foshee,  
Foster,  
Freeman,  
Gilmore,  
Glover,  
Graham (Montgomery),  
Graham (Talladega),  
Grant,  
Greer (Calhoun),  
Greer (Perry),  
Handley,  
Harrison,  
Heflin (Chambers),  
Heflin (Randolph),  
Henderson,  
Hinson,  
Hodges,  
Hood,  
Howze,

Inge,  
Jackson,  
Jenkins,  
Jones (Bibb),  
Jones (Hale),  
Jones (Montgomery),  
Knight,  
Ledbetter,  
Leigh,  
Locklin,  
Lomax,  
Long (Walker),  
Lowe (Jefferson),  
Macdonald,  
Martin,  
Maxwell,  
Merrill,  
Morrisette,  
Mulkey,  
Murphree,  
NeSmith,  
Norman,  
Oates,  
O'Neal (Lauderdale),  
O'Neill (Jefferson),  
Opp,  
Palmer,  
Parker (Cullman),  
Parker (Elmore),  
Pearce,  
Pettus,  
Pillans,  
Pitts,  
Porter,  
Proctor,  
Renfro,  
Reynolds (Chilton),  
Rogers (Lowndes),  
Rogers (Sumter),  
Samford,  
Sanders,



Sanford,  
 Searcy,  
 Selheimer,  
 Sentell,  
 Sloan,  
 Smith (Mobile),  
 Smith, Mac. A.,  
 Smith, Morgan M.,  
 Sorrell,  
 Spears,  
 Spragins,  
 Stewart,  
 Studdard,

Tayloe,  
 Vaughan,  
 Waddell,  
 Walker,  
 Watts,  
 Weatherly,  
 White,  
 Whiteside,  
 Williams (Barbour),  
 Wilson (Clarke),  
 Wilson (Clarke),  
 Winn—121.

#### LEAVES OF ABSENCE.

Was granted to Messrs. Miller, of Marengo, for to-day and Monday; Parker, of Elmore, for Monday; O'Rear, until Monday; Kirk for yesterday and to-day; Malone for to-day; Carmichael, of Colbert, for to-day; Lowe, of Lawrence, for to-day; Thompson for to-day; Jones, of Wilcox, for to-day; Ashcraft for to-day; Howell for to-day; Miller, of Wilcox, for to-day; Burnett for to-day; Reese for to-day; Foshee for to-day; Kirkland for to-day.

#### REPORT OF THE COMMITTEE ON THE JOURNAL.

The chairman of the Committee on Journal submitted the following report, which was concurred in:

The Committee on the Journal beg leave to report that they have examined the Journal for the twentieth day of the Convention, and that the same is correct.

Respectfully submitted,

JOHN F. PROCTOR, *Chairman.*

#### QUESTION OF PRIVILEGE.

Mr. Long, of Walker, arose to a question of personal privilege and proceeded to state his question of privilege.

Mr. Pettus raised the point of order that the remarks of Mr. Long, of Walker, did not cover a question of privilege.

The point of order was sustained.

Mr. Long, of Walker, appealed from the decision of the Chair.

The Chair was sustained.

#### PRIVILEGES OF THE FLOOR.

On motion of Mr. Hinson the privileges of the floor were extended to Hon. R. H. Clarke, of Mobile.

#### UNFINISHED BUSINESS.

Mr. Pettus moved that the rules be suspended and that the Convention proceed to the consideration of the unfinished business, which was the report of the Committee on Executive Department.

The motion was lost.

#### ORDINANCES ON FIRST READING.

The following ordinances were introduced, severally read one time at length, and referred to appropriate committees, as follows:

Ordinance 372, by Mr. Rogers, of Sumter:

Relates to the duty and the powers of the Joint Convention and the Speaker of the House in canvassing the returns of the State elections.

The ordinance was referred to the Committee on Executive Department.

Ordinance 373, by Mr. Cofer:

To be entitled an ordinance to define in part the duties of Lieutenant Governor of the State, as provided for by this Convention.

The ordinance was referred to the Committee on Executive Department.

Ordinance 374, by Mr. Craig:

To amend Section 1 of Article VIII of the Constitution of Alabama.

The ordinance was referred to the Committee on Suffrage and Elections.

Ordinance 375, by Mr. Greer, of Perry:

To provide for the filling of vacancies in certain offices in the several counties of the State.

The ordinance was referred to the Committee on Judiciary.

Ordinance 376, by Mr. Hinson:

An ordinance to establish an inferior court in cities of five thousand inhabitants or more, and to abolish the office of Justice of the Peace in such cities.

The ordinance was referred to the Committee on Judiciary.

#### RESOLUTIONS ON FIRST READING.

The following resolutions were offered, severally, read one time at length, and referred to appropriate committees, as follows:

Resolution 146½, by Mr. deGraffenried:

Resolved, That after next Monday this Convention shall meet regularly each day at 10 o'clock in the morning, and shall remain in session from that time until 1 o'clock p. m., when a recess shall be taken to 3 p. m., and the Convention shall remain in session until 5 p. m., when the Convention shall stand adjourned until 10 o'clock a. m. of the succeeding day.

The resolution was referred to the Committee on Rules.

Resolution 147, by Mr. Long, of Walker:

Whereas, There appears in The Montgomery Advertiser of this State an editorial reflecting upon the honesty of purpose of a majority of this Convention;

Therefore, be it resolved, That this Convention hereby condemns said editorial as unjust and unwarranted, coming, as it does, from a Democratic newspaper that prints subsidized seventy dollars per day resolutions of the proceedings of this Convention.

Mr. Long, of Walker, moved that the rules be suspended, and the motion prevailed.

Mr. Watts moved to table the resolution; the motion prevailed, and the resolution was tabled.

Resolution 148, by Mr. Harrison:

Resolved, That when this Convention adjourns to-day it adjourn to meet at 12 o'clock m. on Monday.

The rules were suspended, and the resolution was adopted.

Resolution 149, by Mr. Eyster:

Resolved, That the courtesies and privileges of the floor of the Convention be extended to Hon. William D. Jelks, Governor of Alabama; Charles E. Waller and E. M. Robinson.

The rules were suspended and the resolution was adopted.

Resolution 150, by Mr. Browne:

Resolved, That the report of the Committee on Taxation be set for the special order of this Convention, to be taken up and considered by sections, immediately after the conclusion of the existing special orders.

The resolution was referred to the Committee on Rules.

Mr. Browne moved that the rules be suspended and the resolution be adopted, the motion was lost, and the resolution was referred to the Committee on Rules.

Resolution 151, by Mr. O'Neal, of Lauderdale:

Resolved, By the people of Alabama, in Convention Assembled, That it is the sense of this Convention that the General Assembly should, at its first meeting after the ratification of this Constitution, fix the salary of the Governor of Alabama at five thousand dollars per annum; provided, the same can be done without an increase of taxation in this State.

The resolution was referred to the Committee on Executive Department.

Resolution 152, by Mr. Jones, of Montgomery:

Resolved, That hereafter there shall be no call for introduction of resolutions or ordinances; but any member desiring to introduce a resolution or ordinance shall send it to the clerk's desk at any time, and the President, at such time during the day as he may deem proper, shall have such ordinance or resolution read and referred to the appropriate committee.

The resolution was referred to the Committee on Rules.

#### RECOMMITTAL OF ORDINANCE.

Mr. Smith, of Mobile, chairman of the Committee on Judiciary, returned to the Convention ordinance 240:

"To dispense with the necessity of indictment in certain felony cases."

And requested that the same be referred to the Committee on Preamble and Declaration of Rights. The ordinance was referred to the Committee on Preamble and Declaration of Rights.

Mr. Foster, chairman of the Committee on Amending the Constitution and Miscellaneous Provisions, returned to the Convention ordinance 304:

"To regulate primary elections in the State of Alabama,"

And requested that the same be referred to the Committee on Suffrage and Elections.

The ordinance was referred to the Committee on Suffrage and Elections.

#### UNFINISHED BUSINESS.

The Convention then proceeded to the consideration of the unfinished business, which was the report of the Committee on Executive Department, which was an ordinance "To create and define the Executive Department."

The question being upon the adoption of Section 9, which was read at length:

Sec. 9. The Governor may require information in writing, under oath, from the officers of the Executive Department named in this article, or created by statute, on any subject relating to the duties of their respective offices; and he may at any time require information in writing, under oath, from all officers and managers of State institutions, upon any subject relating to the condition, management, and expenses of their respective offices and institutions. Any such officer or manager

who makes a wilfully false report, or fails without sufficient excuse to make such report when demanded, is guilty of an impeachable offense.

Mr. Walker offered the following amendment, which was read one time at length:

Amend by striking out the words "such report when demanded," on line seven, and insert in their stead the words "the required report on demand."

Mr. Hinson moved to table the amendment offered by Mr. Walker; the motion of Mr. Hinson was lost, and the amendment of Mr. Walker was adopted.

Section 9, as amended, was thereupon adopted.

#### SECTION TEN.

Sec. 10. The Governor may, by proclamation, on extraordinary occasions, convene the General Assembly at the seat of government or at a different place, if since their last adjournment, that shall have become dangerous from an enemy, insurrection, or other lawless outbreak, or from any infectious or contagious diseases, he shall state specifically in such proclamation each matter concerning which the action of that body is deemed necessary.

Was read at length.

Mr. Sanford offered the following amendment to Section 10, which was read at length:

Amend Section 10 by adding at the end of the fifth line the words "and the General Assembly shall at that time consider no other subject."

The amendment was lost.

Mr. Maxwell offered the following amendment to Section 10, which was read at length:

Amend Section 10 of Article V by inserting in line four the word "and" after the word "diseases."

The amendment of Mr. Maxwell was adopted.

Mr. Fitts moved that Section 10, as amended, be adopted as a whole, and the motion of Mr. Fitts prevailed.

## SECTION ELEVEN.

Sec. 11. The Governor shall, from time to time, give to the General Assembly information of the state of the government, and recommend to their consideration such measures as he may deem expedient; and at the commencement of each regular session of the General Assembly, and at the close of his term of office, give information by written message of the condition of the State; and he shall account to the General Assembly, as may be prescribed by law, for all moneys received and paid out by him, or by his order; and, at the commencement of each regular session, he shall present to the General Assembly estimates of the amount of money required to be raised by taxation for all purposes.

Was read at length and adopted.

## SECTION TWELVE.

Sec. 12. The Governor shall have power to remit fines and forfeitures, under such rules and regulations as may be prescribed by law; and, after conviction, to grant reprieves, paroles, commutations of sentence and pardons. The Attorney General, Secretary of State and State Auditor shall constitute a Board of Pardons, who shall meet on the call of the Governor, and before whom shall be laid all recommendations or petitions for pardon or commutations or paroles, in cases of felony; and the Board shall hear them in open session, and give their opinion in writing to the Governor thereon, after which or on the Board's failure to advise for more than sixty days, the Governor may grant or refuse the commutation, parole or pardon, as to him seems best for the public interest. He shall communicate to the General Assembly at each session, each case of reprieve, commutation, parole or pardon, with his reasons therefor, and the opinion of the Board of Pardons in each case required to be referred; stating the name, the crime of the convict, the sentence, its date, and the date of reprieve, commutation, parole or pardon. Pardons in cases of felony and other offenses involving the *crimen falsi* shall

not relieve from civil and political disabilities, unless specifically expressed in the pardon.

Was read at length.

Mr. Walker offered the following amendment to Section 12, which was read at length:

Amend by striking out the words "*crimen falsi*" in line 14, and insert in their stead the words "involving moral turpitude."

The amendment was accepted by the chairman of the Committee on Executive Department, and was thereupon adopted.

Mr. Pettus offered the following amendment to Section 12, which was read at length:

Amend by striking out the words "Attorney General" in the third line of said section, and inserting in lieu thereof the words "Treasurer."

Mr. Sanford moved to table the amendment offered by Mr. Pettus, and the motion to table prevailed.

Mr. Jones, of Montgomery, offered the following amendment, which was read at length:

Amend Section 12, line six, by adding after the word "felony" in line six, the words "except in cases of impeachment."

And the amendment was adopted.

Mr. Smith, of Mobile, offered the following amendment, which was read at length:

To amend Section 12 by inserting in the ninth line after the word "interest" the following: "Provided, the Governor shall have power to suspend the execution of any sentence until the Board of Pardons shall have acted."

Mr. Boone moved to table the amendment offered by Mr. Smith, of Mobile, and the motion to table prevailed.

Mr. Coleman, of Greene, offered the following amendment, which was read at length:

Amend Section 12 by adding the words at the end of section "and approved by the Board of Pardon."

And the amendment was adopted.

Mr. Lomax offered the following amendment, which was read at length:



Amend by inserting in line ten, before the word "re-  
prieve," the words "the remission of fines and forfeit-  
ures."

And the amendment was adopted.

Mr. Fitts moved that Section 12, as amended, be  
adopted.

The motion of Mr. Fitts prevailed, and Section 12, as  
amended, was thereupon adopted as a whole.

#### SECTION THIRTEEN.

Sec. 13. Every bill which shall have passed both  
Houses of the General Assembly shall be presented to  
the Governor; if he approves, he shall sign it; but if not,  
he shall return it with his objections to that House in  
which it shall have originated, who shall enter the ob-  
jections at large upon the Journal, and proceed to re-  
consider it. If the Governor's message proposes amend-  
ment which would remove his objections, the House to  
which it is sent may so amend the bill, and send it with  
the Governor's message to the other House, which may  
adopt, but cannot amend said amendment; and both  
Houses concurring in the amendment, the bill shall  
again be sent to the Governor and acted on by him as  
on other bills. If the House to which the bill is returned  
refuses to make such amendment, it shall proceed to re-  
consider; and if a majority of the whole number elected  
to that House, shall vote for the passage of the bill, it  
shall be sent, with the objections, to the other House,  
by which it shall likewise be reconsidered, and if ap-  
proved by a majority of the whole number of that House,  
it shall become a law. If the House to which the bill is  
returned makes the amendment and the other House  
declines to pass the same, that House shall proceed to  
reconsider, as though the bill had originated therein,  
and such proceedings shall be taken thereon as above  
provided. In every case the vote of both Houses shall  
be determined by yeas and nays, and the names of the  
members voting for or against the bill, shall be entered  
upon the Journals of each House respectively. If any  
bill shall not be returned by the Governor, Sundays ex-

cepted, within six days after it shall have been presented, the same shall become a law in like manner as if he had signed it, unless the General Assembly, by their adjournment or recess, prevent its return, in which case it shall not be a law; but bills presented to the Governor within five days before the adjournment of the General Assembly may be approved by the Governor at any time within ten days after the final adjournment, if approved and deposited with the Secretary of State within that time. Every vote, order or resolution to which concurrence of both Houses may be necessary, except questions of adjournment, and the bringing on of elections by the two Houses, and amending this Constitution, shall be presented to the Governor; and, before the same shall take effect, be approved by him; or, being disapproved, shall be repassed by both Houses according to the rules and limitations prescribed in the case of a bill.

Mr. Jones, chairman of the Committee on Executive Department, submitted the following amendment for the committee, which was read at length:

Amend Section 13 by striking out the words "or recess" and by adding after the words "in which cases it shall not be a law," the following words, "but when return is prevented by a recess, such bill must be returned to the House in which it originated, within two days after reassembling, otherwise it shall become a law."

And the amendment was adopted.

Mr. Hefflin, of Chambers, offered the following amendment, which was read at length:

Amend Section 13 by striking out the words (beginning in line 21) "but bills presented to the Governor within five days before the adjournment of the General Assembly may be approved by the Governor at any time within ten days after the final adjournment, if approved and deposited with the Secretary of State within that time."

Mr. Fitts moved to table the amendment offered by Mr. Hefflin, of Chambers, and the motion to table prevailed.

Mr. deGraffenried offered the following amendment, which was read at length:

Amend Section 13 by adding after the words "to reconsider it," in the forth line, the following: "If the Governor's message proposes no amendment which would remove his objection to the bill, the House in which the bill originated may proceed to reconsider, and if a majority of the whole number elected to that House vote for the passage of the bill, the bill shall be sent to the other House, which shall, in like manner, reconsider, and if a majority of the whole number elected to that House vote for the passage of the bill, the same shall become a law, notwithstanding the Governor's veto."

Mr. Lowe, of Jefferson, moved to recommit Section 13 and amendments thereto, to the Committee on Executive Department, with the request that certain parts of said section be eliminated.

#### ADJOURNMENT.

Pending the further consideration of the motion of Mr. Lowe, the Convention adjourned to meet at 12 o'clock on Monday.

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#### TWENTY-SECOND DAY.

#### CONVENTION HALL.

Montgomery, Ala., Monday, June 17, 1901.

The Convention met pursuant to adjournment.

Prayer was offered by Rev. Mr. Murphree of the city.

#### ROLL CALL.

On a call of the roll of the Convention the following delegates answered to their names, which constituted a quorum:

Messrs. President,	Grayson,
Almon,	Handley,
Altman,	Harrison,
Ashcraft,	Heflin (Chambers),
Banks,	Heflin (Randolph),
Barefield,	Hinson,
Bartlett,	Howell,
Beavers,	Howze,
Beddow,	Inge,
Bethune,	Jenkins,
Blackwell,	Jones (Bibb),
Brooks,	Jones (Hale),
Bulger,	Jones (Montgomery),
Burnett,	Kirk,
Burns,	Kirkland,
Byars,	Knight,
Cardon,	Kyle,
Carmichael (Colbert),	Ledbetter,
Case,	Leigh,
Chapman,	Locklin,
Cobb,	Lomax,
Cofer,	Long (Butler),
Coleman (Greene),	Long (Walker),
Craig,	Lowe (Jefferson),
Davis (DeKalb),	Lowe (Lawrence),
Dent,	Macdonald,
deGraffenreid,	McMillan (Baldwin),
Duke,	Malone,
Eley,	Martin,
Eyster,	Maxwell,
Espy,	Merrill,
Ferguson,	Miller (Wilcox),
Fitts,	Morrisette,
Fletcher,	Mulkey,
Foster,	Murphree,
Foshee,	NeSmith,
Freeman,	Norman,
Gilmore,	Norwood,
Glover,	Oates,
Graham (Montgomery),	O'Neal (Lauderdale),
Graham (Talladega),	O'Rear,
Grant,	Palmer,

Parker (Cullman),	Sorrell,
Pettus,	Spears,
Phillips,	Spragins,
Pillans,	Stewart,
Porter,	Studdard,
Proctor,	Tayloe,
Reese,	Thompson,
Reynolds (Chilton),	Vaughan,
Reynolds (Henry),	Walker,
Robinson,	Watts,
Rogers (Lowndes),	Weakley,
Rogers (Sumter),	Weatherly,
Samford,	Willett,
Sanders,	Williams (Barbour),
Sanford,	Williams (Elmore),
Sentell,	Wilson (Clarke),
Sloan,	Wilson (Washington).
Smith (Mobile),	Winn—121.
Smith, Mac. A.,	

#### LEAVES OF ABSENCE.

Was granted to Messrs. Searcy for to-day; Fitts for to-day, to-morrow and Wednesday; M. M. Smith for to-day; Hodges for to-day; Sollie for to-day and to-morrow; Frank N. Julian for to-day and to-morrow; Jackson for to-day and to-morrow; Boone for to-day; Greer Calhoun for to-day; Whiteside for to-day; Eyster for to-day, Tuesday and Wednesday; Henderson for to-day; Greer of Perry for to-day; White for to-day; Waddell for to-day; Davis of Etowah for to-day; Hood for to-day; Coleman, of Walker, for Saturday and to-day; Cardon for to-day; Moody for to-day.

#### REPORT OF THE COMMITTEE ON THE JOURNAL.

The chairman of the Committee on the Journal submitted the following report, which was concurred in:

The Committee on the Journal beg leave to report that they have examined the Journal for the twenty-first day of the Convention and that the same is correct.

Respectfully submitted.

JOHN F. PROCTOR, *Chairman.*

Mr. Beddow asked unanimous consent to be allowed to introduce a resolution, which reads as follows:

Resolution 153, by Mr. Beddow:

Whereas, This Convention has now been in session twenty-one working days, and

Whereas, Not a single article of the proposed new Constitution has yet been adopted; and

Whereas, At the present rate of progress it will take some months to revise the Constitution, and

Whereas, This body will thereby subject itself to the unjust criticism that members are causing delay at the expense of the taxpayers of this State;

Therefore, Be it Resolved, That it is the sense of this Convention, that notwithstanding the length of time consumed by this Convention in so revising the said Constitution, that no per diem be allowed any member in excess of fifty days.

Mr. Beddow moved the suspension of the rules in order that the resolution might be placed upon its immediate passage. The motion was lost, and the resolution was referred to the Committee on Rules.

#### QUESTION OF PERSONAL PRIVILEGE.

Mr. Long, of Walker, arose to a question of personal privilege growing out of a recent editorial in The Montgomery Advertiser.

Mr. Long, of Walker, offered the following resolution, which was read at length:

Resolution 154, by Mr. Long, of Walker:

Whereas, There appears in The Montgomery Advertiser of the 15th inst. an editorial under the caption of "A Discouraging Vote," reflecting seriously upon the honesty of a two-thirds majority of this Convention;

Therefore, Be it resolved, That the said editorial is hereby condemned as unwise and unwarranted.

Mr. Long, of Walker, moved the suspension of the rules in order that the resolution might be placed upon its immediate passage. The motion was lost and the resolution was referred to the Committee on Rules.

## ORDINANCES ON FIRST READING.

The following ordinances were introduced by unanimous consent, severally read one time at length, and referred to appropriate committees, as follows:

Ordinance 377, by Mr. O'Neal, of Lauderdale:

To amend Section 21 of Article IV of the Constitution of Alabama:

The ordinance was referred to the Committee on Legislative Department.

Ordinance 378, by Mr. Oates:

Prescribing the number of Grand Jurors, and for the suppression of crime.

The ordinance was referred to the Committee on Judiciary.

Ordinance 379, by Mr. deGraffenried:

To amend Section 7 of Article I of the Constitution of the State of Alabama.

The ordinance was referred to the Committee on Preamble and Declaration of Rights.

Ordinance 380, by Mr. Kyle:

To amend Section 14 of the Constitution on Banks and Banking.

The ordinance was referred to the Committee on Banks and Banking.

## SUSPENSION OF THE RULES.

Mr. Morrisette moved the suspension of the Rules, which motion prevailed, and then moved that the privileges of the floor be extended to the ministers of the city who so kindly opened the exercises of the Convention with prayer.

Mr. Pettus moved to amend the motion of Mr. Morrisette by adding the name of Judge J. J. Arnold, a distinguished member of the Legislature.

The amendment was accepted, and the motion, as amended, was adopted.

Mr. Blackwell introduced, by unanimous consent, the following petition, which was read at length and referred to the Committee on Taxation:

Petition No. 1:

STATE OF ALABAMA,

Morgan County.

Court of County Commissioners,

Decatur, Ala., June 15, 1901.

*To the Honorable Constitutional Convention, Montgomery, Ala.:*

The undersigned Commissioners' Court of Morgan County, Alabama, respectfully ask and request your honorable body not to reduce the present rate of one-half of 1 per cent. allowed for special taxes, and we respectfully ask that the Commissioners' Court be allowed this special tax for the building and repairing the court houses, jails and public bridges and public roads of the several counties in this State.

The people of our county are not asking any reduction in this special rate of taxation, but on the contrary, are clamoring for the privilege of paying a special tax for the improvement of our public roads.

Our county is traversed by many streams which require bridges to accommodate the traveling public. One-fourth of one per cent. will not permit us to keep these bridges and our court house and jail in proper repair.

We therefore ask and urge that you allow the present rate of one-half of one per cent. of taxation for these special purposes to remain as it is, with the words "public roads" added thereto.

Very respectfully,

WM. E. SKEGGS,

A. F. MURRAY,

S. P. LOVELADY,

M. W. RATLIFF,

S. R. GARRISON.



## REPORT OF COMMITTEE ON RULES.

Mr. Smith, of Mobile, acting chairman of the Committee on Rules, submitted the following report of the Committee on Rules:

Resolution 150, with a favorable report:

Resolved, That the report of the Committee on Taxation be set for the continuing special order of the Convention to be taken up and considered by sections immediately after the conclusion of the existing special orders.

Resolution 155, with favorable report:

Resolved, That rule eleven be amended so as to read as follows:

When any delegate is about to speak or deliver any matter to the Convention, he shall rise from his seat and respectfully address himself to the President; provided, that while the report of any committee is under consideration, the members of the committee may exchange seats with other members of the Convention.

Each of the foregoing resolutions was read at length.

Mr. Smith moved that the rules be suspended and the resolutions be adopted, and the motion prevailed, and the resolutions were adopted.

Mr. Smith, of Mobile, acting chairman, on behalf of the Committee on Rules, submitted the following substitute for resolution 146, which was read at length:

The substitute reads as follows:

Resolved, That after the passage of this resolution this Convention shall meet regularly each day at 10 o'clock in the morning, and shall remain in session from that time to 1 o'clock p. m., when a recess shall be taken to 3 p. m., and the Convention shall remain in session until 5 p. m., when the Convention shall stand adjourned until 10 o'clock a. m. of the succeeding day.

Mr. Smith of Mobile moved that the resolution and substitute be laid upon the table until next Thursday, and from day to day thereafter, until called up for action by the Convention, and the motion prevailed.

Mr. Dent asked unanimous consent to introduce a resolution. Consent was given, and the resolution was read at length :

Resolution 156, by Mr. Dent :

That when this Convention adjourn it adjourn to meet again at 3 o'clock p. m. to-day.

Mr. Dent moved that the rules be suspended and the resolution be placed upon its immediate passage. The motion was lost, and the resolution was referred to the Committee on Rules.

Mr. O'Neil, of Lauderdale, asked unanimous consent to introduce the resolution, which was read at length.

Resolution 157, by Mr. O'Neal, of Lauderdale :

Resolved, That on account of the limited capacity of the Convention hall, hereafter the privileges of the floor shall not be extended to any person except by unanimous vote of the Convention.

Mr. Samford moved that the rules be suspended and the resolution be adopted, and the motion of Mr. Samford prevailed, and the resolution was adopted.

Mr. Graham, of Talladega, was given unanimous consent to introduce the resolution 158, which was read at length.

Resolution 158, by Mr. Graham, of Talladega :

Resolved, That the thanks of this Convention are hereby tendered to the Western Railway of Alabama for courtesies recently extended on the occasion of the funeral of Gov. W. J. Samford, to members of this Convention through Gen. George P. Harrison ; also to Superintendent J. C. Clarke of the Mobile & Ohio Railroad for courtesies recently extended to a special committee of this Convention.

Mr. Graham, of Talladega, moved that the rules be suspended and the resolution be placed upon its immediate passage.

The motion prevailed, and the resolution was adopted.

Mr. Willett moved to adjourn, but withdraw the motion in order that Mr. Jones, of Montgomery, might state a question of

## PERSONAL PRIVILEGE.

Mr. Jones, of Montgomery, denied the authorship of a recent editorial in *The Montgomery Advertiser*, in which there were expressions complimentary to him. He stated further that he had not seen or heard of the editorial in question until he found the same in print upon his desk in the hall of the Convention.

Mr. Willett renewed his motion to adjourn, but the Convention refused to adjourn, and proceeded to the consideration of the

## UNFINISHED BUSINESS.

Which was the ordinance "to create and define the Executive Department."

The question being upon the motion of Mr. Lowe, of Jefferson, to recimmit, with certain recommendations, to the Committee on Executive Department Section 13 of the amendments thereto.

Mr. deGraffenried was given unanimous consent to introduce the following amendment, which was read at length :

Strike from the section all that precedes the words "if any bill" in the eighteenth line thereof, and in lieu thereof insert the following : "Every bill which shall have passed both Houses of the General Assembly shall be presented to the Governor; if he approve, he shall sign it; but if not, he shall return it to that House in which it shall have originated, who shall enter the objections at large upon the Journal; and the House to which the bill shall be returned shall proceed to reconsider it; if after such reconsideration, a majority of the whole number elected to that House shall vote for the passage of such bill, it shall be sent, with the objections, to the other House, by which it shall likewise be reconsidered; if approved by a majority of the whole number elected to that House, it shall become a law, but in such cases the votes of both Houses shall be determined by yeas and nays, and the names of the members voting for or against the bill, shall be entered upon the Journals of each House respectively.

## ADJOURNMENT.

Pending the further consideration of the motion of Mr. Lowe, of Jefferson, the hour of 1 o'clock p. m. arrived, and under the rules the Convention stood adjourned until 10 o'clock to-morrow morning.

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## TWENTY-THIRD DAY.

## CONVENTION HALL.

Montgomery, Ala., June 18, 1901.

The Convention met pursuant to adjournment.  
Prayer was offered by Rev. Mr. Murphree of the city.

## ROLL CALL.

On a call of the roll of the Convention the following delegates answered to their names, which constitute a quorum :

Messrs. President,	Carmichael (Coffee),
Almon,	Carnathon,
Altman,	Case,
Ashcraft,	Chapman,
Banks,	Cobb,
Barefield,	Cofer,
Bartlett,	Coleman (Greene),
Beavers,	Cornwell,
Beddow,	Craig,
Bethune,	Davis (DeKalb),
Blackwell,	Davis (Etowah),
Boone,	Dent,
Brooks,	deGraffenried,
Browne,	Duke,
Bulger,	Eley,
Burnett,	Espy,
Burns,	Ferguson,
Byars,	Fitts,
Cardon,	Fletcher,
Carmichael (Colbert),	Foshee,

Foster,  
Freeman,  
Gilmore,  
Glover,  
Graham (Montgomery),  
Graham (Talladega),  
Grant,  
Grayson,  
Greer (Calhoun),  
Greer (Perry),  
Haley,  
Handley,  
Harrison,  
Hefflin (Chambers),  
Hefflin (Randolph),  
Henderson,  
Hinson,  
Hodges,  
Hood,  
Howell,  
Howze,  
Inge,  
Jenkins,  
Jones (Bibb),  
Jones (Hale),  
Jones (Montgomery),  
Jones (Wilcox),  
King,  
Kirk,  
Kirkland,  
Knight,  
Kyle,  
Ledbetter,  
Leigh,  
Lomax,  
Long (Butler),  
Long (Walker),  
Lowe (Lawrence),  
Macdonald,  
McMillan (Baldwin),  
McMillan (Wilcox),  
Martin,

Maxwell,  
Merrill,  
Miller (Marengo),  
Miller (Wilcox),  
Moody,  
Morrisette,  
Mulkey,  
Murphree,  
NeSmith,  
Norman,  
Norwood,  
Oates,  
O'Neal (Lauderdale),  
O'Neill (Jefferson),  
Opp,  
O'Rear,  
Palmer,  
Parker (Cullman),  
Parker (Elmore),  
Pearce,  
Pettus,  
Phillips,  
Pillans,  
Porter,  
Proctor,  
Reese,  
Reynolds (Chilton),  
Reynolds (Henry),  
Robinson,  
Rogers (Lowndes),  
Rogers (Sumter),  
Samford,  
Sanders,  
Sanford,  
Searey,  
Selheimer,  
Sentell,  
Sloan,  
Smith (Mobile),  
Smith, Mac. A.,  
Smith, Morgan M.,  
Sorrell,

Spears,  
Spragins,  
Stewart,  
Studdard,  
Tayloe,  
Thompson,  
Vaughan,  
Waddell,  
Walker,  
Watts,  
Weakley,

Weatherly,  
White,  
Whiteside,  
Willett,  
Williams (Barbour),  
Williams (Marengo),  
Williams (Elmore),  
Wilson (Clarke),  
Wilson (Washington).  
Winn—145.

## LEAVE OF ABSENCE

Was granted to Messrs. Sollie, Malone and Renfroe for to-day.

## REPORT OF THE COMMITTEE ON THE JOURNAL.

The chairman of the Committee on the Journal submitted the following report, which was concurred in:

The Committee on the Journal beg leave to report that they have examined the Journal for the twenty-second day of the Convention and that the same is correct.

Respectfully submitted,

JOHN F. PROCTOR, *Chairman*.

## QUESTION OF PERSONAL PRIVILEGE.

Mr. Long, of Walker, arose to a question of personal privilege, and stated that an editorial published in The Montgomery Advertiser of June 17th, under the head of "Remarkable Foresight" did him and the two-thirds of the members of the Convention a gross injustice.

## ORDINANCES ON FIRST READING.

The following ordinances were introduced, severally read one time at length, and referred to appropriate committees as follows:

Ordinance 381, by Mr. Williams, of Marengo:

To establish a whipping post.

The ordinance was referred to the Committee on Legislative Department.

Ordinance 382, by Mr. Pettus:

To prevent and prohibit intermarriage of negroes and whites.

The ordinance was referred to the Committee on Legislative Department.

Ordinance 383, by Mr. Browne:

To amend Section 5 of Article XIII of the Constitution. (Relates to schools.)

The ordinance was referred to the Committee on Education.

Ordinance 384, by Mr. Cofer:

An ordinance to amend Section 25 of Article II of the Constitution.

The ordinance was referred to the Committee on Judiciary.

Ordinance 385, by Mr. Davis, of Etowah:

To amend Section 7 of Article II of the Constitution.

The ordinance was referred to the Committee on Municipal Corporations.

Ordinance 386, by Mr. Lomax:

Relating to the government of the University, and the payment of interest of the University fund.

The ordinance was referred to the Committee on Education.

Ordinance 387, by Mr. Murphree:

Ordinance authorizing the reducing of the expense of administering small estates.

The ordinance was referred to the Committee on Judiciary.

Ordinance 388, by Mr. Greer, of Calhoun:

An ordinance to fix the date of the election of city officers in the State of Alabama.

The ordinance was referred to the Committee on Municipal Corporations.

## RESOLUTIONS ON FIRST READING.

The following resolutions were introduced, severally read one time at length, and referred to appropriate committees as follows:

Resolution 159, by Mr. Graham, of Talladega:

Resolved, That it is the sense of this Convention that the present appropriation of \$550,000, and the special one mill tax, which approximates \$250,000, for public schools, shall not be reduced or repealed by this Convention, either directly or indirectly.

The resolution was referred to the Committee on Education.

Resolution 160, by Mr. Browne:

Resolved, That the sympathy of this Convention be and the same is hereby extended to its worthy Secretary, Frank N. Julian, in his sorrow and bereavement in the death of his brother, William Julian.

Mr. Reese moved that the rules be suspended and the resolution, No. 160, be placed upon its immediate passage. The rules were suspended, and the resolution was adopted.

Resolution 161, by Mr. Burns:

Resolved, That it is the sense of this Convention that what should not be done directly, should not be done indirectly; and that after the rules have been suspended for any special purpose, amendments should not be in order.

The resolution was referred to the Committee on Rules.

Resolution 162, by Mr. Burns:

Resolved, That whenever a delegate precedes his motion "to table" with a speech, or at the close of a speech calls for the previous question, he shall be declared out of order.

The resolution was referred to the Committee on Rules.

Resolution 163, by Mr. Burns:

Resolved, That it is the sense of this Convention that each and every official of each and every district, municipality, county, circuit, division, from township trus-



tees to chancellors, shall be elected by the qualified electors thereof, and that all State officials, including Railroad Commissioners and Convict Inspectors.

The resolution was referred to the Committee on Executive Department.

Resolution 164, by Mr. Carmichael, of Coffee:

Be it resolved, That in the future petitions, memorials, etc., containing more than 100 words, be referred without reading to the proper committees, and printed in the stenographic report.

The resolution was referred to the Committee on Rules.

Resolution 165, by Mr. Sloan:

Whereas, on account of the limited time of three hours each day for the sitting of this Convention, and

Whereas, it is impossible to accomplish any material work on the regular order in a session of one hour,

Therefore, be it resolved, That when this Convention adjourns on Saturday it meet on Mondays at 10 o'clock.

The resolution was referred to the Committee on Rules.

Resolution 166, by Mr. Harrison:

Resolved, That all speeches on amendments and ordinances reported by standing committees, be limited to five minutes each.

The resolution was referred to the Committee on Rules.

#### PETITIONS.

Petition No. 2, by Mr. Blackwell (by request):

*Mr. President and Members of the Alabama Constitutional Convention:*

Realizing the fact that no member of the negro race is represented in your august body to speak one word for us, we must appeal to you in this manner. Being Southern born, of ex-slaves, Southern raised, within the city where you are now in session, and having spent my energies among my people in this State for thirty years,

I represent the product of Alabama negro manhood. I speak the sentiments of thousands of my race whose timidity locks their mouths.

We have made many errors since emancipation. We were weaker than now, and prone to mistakes. But, gentlemen, could you have looked for perfection in a race of ignorant liberated people? No matter how ignorant we were thirty years ago, and no matter how intelligent we become one hundred years from now, yet the fact remains the same—that then, now and henceforth we realize that the negro's best friend is the Southern white man. You have proven your genuine friendship to us all along. You have given us work at any trade at which we were proficient. You have given us good schools, gone into your own pockets to educate us. You have given us counsel when we were in need of advice, for all of which we are grateful, and we hope we have proven the same to you. Do not expect more of us than of any other race at the same stage of development. We know that the salvation of the negro is in your hands. You can make us industrious, contented, loyal and useful citizens; or you can make us shiftless, discontented and good for nothing. You are framing a Constitution for future government of generations of negroes of Alabama, as well as of other races. We are interested, because we are lawabiding, and must live up to your new Constitution, or get out. Say to us, forsooth, that you are black, that your hair is kinky, or features Hamitic, or say that, forsooth some negro blood is in your veins, you cannot enjoy the franchise in Alabama, and you at once relegate us to the ranks of a brute. We would have not one incentive to go forward. You would cripple an already weak race.

We are among you, and satisfied. It was not of our own free will that we are here. Like other nations of the Far East, we did not migrate here and force ourselves upon you. Had we done so it might be fair and conservative that you say to us "get out," or drive us out by discriminative methods that were basely unjust. But, gentlemen, we were snatched from our motherland, heathens. By the providence of God we were brought

here, and for three hundred years toiled for you as your slaves.

American slavery, though wrong, was a blessing to us. In its school of three hundred years we learned trades, language, customs and the religion of Jesus Christ. There is a just God who guards the destiny of nations, and in His own time slavery was abolished and we were left among you, ignorant of franchise and government, with no education or character.

Be conservative to us, gentlemen. Do not deal a crushing blow. A blow from you at this critical moment—with no flag except the glorious Stars and Stripes for which we have bled and died; no friend except you, whose fathers and mothers we have guarded from harm, and you yourself whom we have cherished and cared for while the Southern man fought for a lost cause—would be as Brutus' dagger of steel warming its blade in the life blood of Cæsar. The tickle of our hoe has made your hands laugh forth in harvest. Our axe has cleared your forests. We have built your cities. Our pick has sunk down into the bowels of the earth and thrown up iron and coal. We emerged from slavery and went at once to work at whatever price you valued our labor. We do not cause any organic disturbance by strikes. We are striving to fit ourselves for citizenship. We petition and implore you to not disturb our content by an unjust franchise. If you place an educational qualification that touches all alike we are satisfied. In short, we, though only thirty-five years old, are willing to be weighed in the scale of manhood and measured with a tape of justice.

Alabama, one of the greatest States of the Union; one upon whom the eyes of the world are turned at present, a State whose alphabetical arrangement stands first of the States of the greatest country of God's creation (a country upon whose territory the sun never sets), cannot afford to disfranchise several hundred thousand of its citizens, cannot afford to remove the public educational fund from them. An educated dog is worth a hundred good-for-nothing curs. We do not demand anything of you. We cannot demand if we would. We

simply entreat you as honest citizens to frame a Constitution that will not disgrace the wisdom of Alabama; that will not cause us to degenerate; that will not cause us discontent; that will not cause us to doubt your friendship, which we have cherished for nearly four hundred years. Frame a Constitution that will be a pride of the State—one that we will be proud of, as well as you; one that will benefit both races. Frame a Constitution that will place you at the head of the column of sister States where you belong. Do not drive us into degradation. What incentive would a ten thousand dollar property qualification be to us?

Don't drive us from you; we are here, and want to remain. God intended us to be here, and He intends us to remain. Had it not been so we would have perished long ago. Before the onward tread of Anglo-Saxon civilization races have vanished more rapidly than extinction from shot and shell or bayonet. The New Zealander, Pacific Islander and American Indian have all gone to their graves; they were not able to withstand the environments of the Nineteenth century civilization. No race, save the American negro, has been able to gaze into the blue eyes of the Anglo-Saxon for centuries and live. God so constructed us of better stamina. We have lived, increased and prospered. Remember, gentlemen, that might is not at all times right. Judge not the whole race by its criminals. All races have them, and the better element of us, as of you, abhor crime and do not wish to be called criminals because we have criminals in our race.

The Constitution that you frame shall live as an everlasting monument, not of stone or brass, nor Egyptian, to crumble and decay under the chemical changes of time—but shall stand out prominent above all other Alabama documents after death and the grave have claimed you. It shall live on after God has called you to rest. Unborn generations of negroes and whites look up to it after your flesh has been devoured by the earth worm, your bones bleached in the tomb, and your soul given account for, your earthly transit.

Whether this monument will be one of honor or disgrace to the name of our fair State, to its citizens, both black and white, and to you, will depend upon your election.

Respectfully,

WILLIS E. STEERS, M. D.,

Decatur, Alabama.

Mr. Greer, of Calhoun, moved that the petition be not recorded as a part of the official proceedings of the Convention.

Mr. Howell moved to lay upon the table the motion of Mr. Greer, of Calhoun, and the motion of Mr. Howell prevailed.

Mr. Howell moved that the petition be referred to the Committee on Suffrage and Elections.

The motion prevailed, and the petition was referred to the Committee on Suffrage and Elections.

Mr. Case offered the following petition, which was read at length:

Petition 3, by Mr. Case:

Collinsville, Ala., June 13, 1901.

*To the Alabama Constitutional Convention, Montgomery, Ala.:*

Whereas, under National Interstate laws large trusts have and are being formed all over the country, with almost unlimited capital; and

Whereas, the trust companies from without the State of Alabama commonly known as department stores, without contributing one cent in revenues toward the payment of the expenses of maintaining and supporting our State government, either in privilege or ad valorem taxes, are flooding the State with circulars, catalogues and agents, plying their trade, advertising their goods and supplying the consumers with many articles, same being actually delivered by the said agents,

and whereas the resident merchants of this State are required to pay taxes before they can sell their goods, now, therefore, in consideration of the premises, your petitioners respectfully pray that the delegates to the said Constitutional Convention of the State of Alabama examine into the merits of this momentous question to the end that some clause may be engrafted in our State Constitution by which these non-resident trusts and department stores may be reached, and required to pay their pro rata share of our State taxes, or upon their failure or refusal to do so, that they may be denied the privilege of delivering their goods, wares and merchandise in the State of Alabama.

HALLS DRY GOODS CO.,  
GEO. W. ROBERTS,  
B. A. NOWLIN,  
BYRON & CO.,  
M. G. A. NICHOLSON,  
NICHOLSON DRUG CO.,  
H. P. MCWHARTER,  
R. A. BURT,  
B. KEINAN,  
R. E. ROBERTS,  
CHAS. ROBERTS & CO.,  
GEO. W. KEENER,  
R. S. WILLIAMS & CO.,  
H. R. JORDAN & SON,  
C. C. JORDAN,  
W. A. WILBURNS CO.,  
J. E. GIBSON,  
R. H. SMITH.

The petition was referred to the Committee on Taxation.

The hour of 11 o'clock having arrived, the Convention, under the rules, suspended the roll call for the intro-

duction of ordinances, resolutions, petitions and memorials, and proceeded to the consideration of

#### UNFINISHED BUSINESS.

Which was the report of the Committee on Executive Department, which was an ordinance "To create and define the Executive Department."

The question being on the motion of Mr. Lowe, of Jefferson, to recommit Section 13 and the amendments thereto, to the Committee on Executive Department.

Mr. Jones, of Montgomery, moved the previous question on the motion of Mr. Lowe, of Jefferson. The previous question was ordered, and the Convention refused to recommit Section 13 and pending amendments.

The question recurred upon the pending amendment offered by Mr. deGraffenried on Saturday, the 15th.

The amendment read as follows:

To amend Section 13 by adding after the words "to reconsider it" in the fourth line of the following:

If the Governor's message proposes no amendment which would remove his objection to the bill, the House in which the bill originated may proceed to reconsider, and if a majority of the whole number elected to that House vote for the passage of the bill, the bill shall be sent to the other House, which shall, in like manner, reconsider, and if a majority of the whole number elected to that House vote for the passage of the bill, the same shall become a law, notwithstanding the Governor's veto.

And the amendment was adopted.

The question then recurred upon the amendment offered by Mr. deGraffenried, which reads as follows:

Amendment No. 2:

Strike from the Section all that precedes the words "if any bill" in the eighteenth line thereof, and in lieu thereof insert the following:

Every bill which shall have passed both Houses of the General Assembly shall be presented to the Governor; if he approve, he shall sign it; but if not, he shall return

it to that House from which it shall have originated, who shall enter the objection at large upon the Journal; and the House to which the bill shall be returned shall proceed to reconsider it; if after such consideration a majority of the whole number elected to that House shall vote for the passage of such bill, it shall be sent, with the objections, to the other House, by which it shall likewise be considered; if approved by a majority of the whole number elected to that House it shall become a law, but in such cases the votes of both Houses shall be determined by yeas and nays, and the names of the members voting for or against the bill shall be entered upon the Journal of each House respectively.

Mr. deGraffenried then offered the following amendment to the amendment No. 2, which reads:

Amend caption of amendment No. 2 by striking from the same all after the words "to reconsider it" in the fourth line down to and including the word "respectively" in the eighteenth line, and inserting in lieu thereof the following:

Every bill which shall have passed both Houses of the General Assembly shall be presented to the Governor; if he approve, but, and the amendment to the amendment was laid upon the table.

Mr. Murphree offered the following substitute to Section 13 and pending amendments, which was read at length:

Substitute for the report of the Committee on Executive Department and amendments thereto, as follows:

That Section 13 of Article V of the Constitution of 1875 be adopted in full, with the addition that the Governor may approve bills within ten days after final adjournment, if approved and deposited with the Secretary of State within that time.

Mr. Wilson, of Washington, moved the previous question on the substitute. The previous question was ordered, and the substitute offered by Mr. Murphree was lost.

Mr. Samford moved that the amendment No. 2, offered by Mr. deGraffenried, be laid upon the table, and the



motion to table prevailed, and the amendment was laid upon the table.

Mr. Fitts moved the previous question on Section 13, as amended, and the previous question was ordered.

Mr. Smith, Mac. A., moved a reconsideration of the vote by which the previous question was ordered, and on that Mr. Whiteside called for the yeas and nays. The call was not sustained.

And the motion of Mr. Smith, Mac. A., was lost.

The main question was then put, and Section 13, as amended, was adopted.

#### SECTION FOURTEEN.

Sec. 14. The Governor shall have power to approve or disapprove any item or items of any bill making appropriations embracing distinct items, and the part or parts of the bill approved shall be the law, and the item or items disapproved shall be void, unless repassed according to the rules and limitations prescribed for the passage of other bills over the Executive veto; and he shall in writing, state specifically the item or items he disapproves, setting forth the same out in *haec verba*, in his message; but in such case the enrolled bill shall not be returned with the Governor's objection.

Was read at length.

Mr. Brooks offered the following amendment, which was read at length:

Amend Section 14 of an ordinance to create and define the Executive Department, by striking out the same and inserting the following:

Sec. 14. The Governor shall have power to approve or disapprove any item of any bill embracing distinct items of appropriation and the portion of the bill approved shall be the law. He shall, in his message, specifically set out in full, as the same appears in such bill, the item disapproved, which shall be void unless repassed, according to the rules prescribed for the passage of other bills over the Executive veto; and the enrolled bill shall not be returned with the Governor's objection.

Mr. Espy moved that the amendment offered by Mr. Brooks be laid upon the table.

The motion of Mr. Espy prevailed, and the amendment of Mr. Brooks was laid upon the table.

Mr. Long, of Butler, offered the following amendment, which was read at length :

Amend Section 14 by striking out the words "*in hacc verba*" where they appear in line six, and inserting the words "in full."

Mr. O'Neal, of Lauderdale, moved that the amendment of Mr. Long, of Butler, be laid upon the table.

The motion of Mr. O'Neal, of Lauderdale, was lost, and the amendment of Mr. Long, of Butler, was adopted.

Mr. Fitts moved that Section 14, as amended, be adopted. The previous question was ordered, and Section 14, as amended, was adopted.

#### SECTION FIFTEEN.

Sec. 15. In case of the Governor's removal from office, death, or resignation, the Lieutenant Governor shall become Governor. If both the Governor and Lieutenant Governor are removed from office, die, or resign, prior to the next general election thereafter, for members of the General Assembly, the Governor and Lieutenant Governor shall be elected at such election for the unexpired term. In case of the impeachment of the Governor, his absence from the State, unsoundness of mind, or other disability, the power and authority of the office shall devolve, in the order herein named, upon the Lieutenant Governor, President pro tem of the Senate, Speaker of the House of Representatives, Attorney General, State Auditor, Secretary of State, and State Treasurer; if any of these officers be under any of the disabilities herein specified, the office of Governor shall be administered in the order named by these officers free from such disability, until the Governor is acquitted, returns to the State, or is restored to his mind, or relieved from other disability. If the Governor shall be absent from the State over twenty days, the Secretary of State shall notify the Lieutenant Governor, who shall enter upon

the duties of Governor; if both the Governor and Lieutenant Governor shall be absent from the State over twenty days the Secretary of State shall notify the President pro tem of the Senate, who shall enter upon the duties of the Governor, and so on, in case of such absence, he shall notify each of the other officers named in their order, who shall discharge the duties of Governor, until the Governor or other officers entitled to administer the office in succession to the Governor, returns. If the Governor-elect fails or refuses from any cause to qualify, the Lieutenant Governor-elect shall qualify, and exercise the duties of the Governor's office until the Governor-elect qualifies; and in the event both the Governor-elect and Lieutenant Governor-elect, from any cause, fail to qualify, the President pro tem of the Senate, the Speaker of the House of Representatives, the Attorney General, State Auditor, Secretary of State, and State Treasurer shall in like manner, in the order named, administer the government until the Governor or Lieutenant Governor-elect qualifies,

Was read at length.

The Committee on Executive Department, through its chairman, Mr. Jones, of Montgomery, offered the following amendment, which was read at length:

Amend Section 15 of the third line by striking out the word "thereafter" in the third line, and substituting in lieu thereof thereafter the words "after their election."

And the amendment was adopted.

Mr. Williams, of Barbour, offered the following amendment, which was read at length:

Amend Section 15 by inserting after the words "unexpired term" in the fifth line, the following sentence:

And in the event of a vacancy in the office, caused by the removal from office, death or resignation of the Governor, and Lieutenant Governor, pending such vacancy and until their successors shall be elected and qualified, the office of Governor shall be held and administered by either the President pro tem of the Senate, Speaker of the House of Representatives, Attorney General, Auditor, Secretary of State or Treasury, and in the order herein named.

The amendment was adopted.

Mr. Pettus offered the following amendment, which was read at length :

Amend Section 15 of Article V by striking out the words "the President pro tem of the Senate," in lines 22 and 23 of said section.

Mr. Jones, of Montgomery, moved that the amendment of Mr. Pettus be laid upon the table, and the motion prevailed, and the amendment was laid upon the table.

Mr. Fitts moved that Section 15, as amended, be adopted, and upon that motion he demanded the previous question. The previous question was ordered, and Section 15 of the ordinance, as amended, was adopted.

#### SECTION SIXTEEN.

Sec. 16. If the Governor or other officer administering the office shall become of unsound mind, it shall be the duty of the Supreme Court of Alabama, upon request in writing of any two of the officers named in Section 15, not next in succession to the Governor, to ascertain the mental condition of the Governor, or other officer exercising the office—and if he is of unsound mind, to so certify upon its minutes; a copy of which, duly certified, shall be filed in the office of the Secretary of State; and in that event, it shall be the duty of the officer next in succession to perform the duties of Governor, until the Governor or other officer exercising the office is restored to his mind.

Was read at length.

Mr. Jones, of Montgomery, chairman acting for the Committee on Executive Department, offered the following amendment, which was read at length :

Amend Section 16, line 2, by adding after the words "Alabama" the words "under such regulations as it may prescribe."

Mr. Macdonald offered the following amendment to the amendment offered by the committee, which was read at length :

To amend Section 16 of Article V by adding the following words :

The request in writing hereinabove provided for shall be verified by the affidavit of those making such request. And the Supreme Court shall prescribe rules of practice in such proceedings, which rules shall include a provision for the service of notice on the Governor of such proceeding, and a method of taking testimony therein."

#### ADJOURNMENT.

Pending the further consideration of the substitute and the amendments, and the hour of 1 o'clock p. m. having arrived, the Convention, under the rules, adjourned until to-morrow morning at 10 o'clock.

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### TWENTY-FOURTH DAY.

#### CONVENTION HALL.

Montgomery, Ala., Tuesday, June 19, 1901.

The Convention met pursuant to adjournment.  
Prayer was offered by Rev. Mr. Murphree of the city.

#### ROLL CALL.

On a call of the roll of the Convention the following delegates answered to their names, which constitute a quorum:

Messrs. President,  
Almon,  
Altman,  
Ashcraft,  
Banks,  
Barefield,  
Bartlett,  
Beavers,  
Beddow,  
Bethune,  
Blackwell,

Boone,  
Brooks,  
Browne,  
Bulger,  
Burnett,  
Burns,  
Byars,  
Cardon,  
Carmichael (Colbert),  
Carmichael (Coffee),  
Carnathon,

Case,  
Chapman,  
Cobb,  
Cofer,  
Coleman (Greene),  
Cornwell,  
Craig,  
Cunningham,  
Davis (DeKalb),  
Davis (Etowah),  
Dent,  
deGraffenried,  
Duke,  
Eley,  
Eyster,  
Espy,  
Ferguson,  
Fitts,  
Foshee,  
Foster,  
Freeman,  
Gilmore,  
Glover,  
Graham (Montgomery),  
Graham (Talladega),  
Grant,  
Grayson,  
Greer (Calhoun),  
Greer (Perry),  
Haley,  
Handley,  
Harrison,  
Heflin (Chambers),  
Heflin (Randolph),  
Henderson,  
Hinson,  
Hodges,  
Hood,  
Howell,  
Howze,  
Inge,

Jackson,  
Jenkins,  
Jones (Bibb),  
Jones (Hale),  
Jones (Montgomery),  
Jones (Wilcox),  
Kirk,  
Kirkland,  
Knight,  
Kyle,  
Ledbetter,  
Leigh,  
Lomax,  
Long (Butler),  
Long (Walker),  
Lowe (Jefferson),  
Lowe (Lawrence),  
Macdonald,  
McMillan (Baldwin),  
McMillan (Wilcox),  
Malone,  
Martin,  
Maxwell,  
Merrill,  
Miller (Marengo),  
Miller (Wilcox),  
Moody,  
Morrisette,  
Mulkey,  
Murphree,  
NeSmith,  
Norman,  
Norwood,  
Oates,  
O'Neal (Lauderdale),  
O'Neill (Jefferson),  
Opp,  
O'Rear,  
Palmer,  
Parker (Cullman),  
Parker (Elmore),

Pearce,  
 Pettus,  
 Phillips,  
 Pillans,  
 Pitts,  
 Porter,  
 Proctor,  
 Reese,  
 Renfro,  
 Reynolds (Chilton),  
 Reynolds (Henry),  
 Robinson,  
 Rogers (Lowndes),  
 Rogers (Sumter),  
 Samford,  
 Sanders,  
 Sanford,  
 Searcy,  
 Selheimer,  
 Sentell,  
 Sloan,  
 Smith (Mobile),  
 Smith, Mac. A.,

Smith, Morgan M.,  
 Sorrell,  
 Spears,  
 Spragins,  
 Stewart,  
 Studdard,  
 Tayloe,  
 Thompson,  
 Vaughan,  
 Waddell,  
 Walker,  
 Watts,  
 Weakley,  
 Weatherly,  
 White,  
 Whiteside,  
 Willett,  
 Williams (Barbour),  
 Williams (Marengo),  
 Williams (Elmore),  
 Wilson (Clarke),  
 Wilson (Washington).  
 Winn—150.

#### LEAVE OF ABSENCE

Was granted to Mr. Opp for last Monday.

#### REPORT OF JOURNAL COMMITTEE.

The chairman of the Committee on the Journal submitted the following report, which was concurred in:

The Committee on the Journal beg leave to report that they have examined the Journal for the twenty-third day of the Convention, and found the same to be correct.

Respectfully submitted,

JOHN F. PROCTOR, *Chairman.*

## RESOLUTIONS ON FIRST READING.

The following resolutions were introduced, severally read one time at length, and referred to appropriate committees, as follows:

Resolution 167, by Mr. NeSmith:

Whereas, this Convention, at the conclusion of its labors, should issue an address to the people of Alabama, outlining briefly the changes made, and showing the superiority of the new Constitution over the one under which we are now living;

And, whereas, should a committee be speedily appointed for the purpose, such address would be better and more easily prepared;

Therefore, be it resolved, That the President of this Convention be empowered to appoint a committee of twelve, of which he shall be the chairman, to draft such an address.

The resolution was referred to the Committee on Rules.

Resolution 168, by Mr. Oates:

Resolved, That inasmuch as the printed acts of the last session of the General Assembly are so voluminous as to make them unwieldy and easily destructable that the Secretary of State be directed to have them bound as follows:

The General Laws in one volume, the General and Local Laws together in two volumes, and the State Auditor is hereby authorized to give his warrant on the Treasurer for the cost of the additional bindings, at the rate provided for in the contract for the public printing.

The resolution was referred to the Committee on Schedule, Printing and Incidental Expenses.

Resolution 169, by Mr. Williams, of Marengo:

Whereas, The Convention has incurred considerable expense in obtaining a stenographic report of the proceedings of the Convention, and whereas, the wisdom of the reports appears more apparent every day, and whereas, as a ready reference the reports are a failure as they now are, and whereas, an index would add greatly to the value of the reports;



Now, therefore, be it resolved by the Convention, That as soon as the Convention shall have adjourned sine die that the Secretary of State be and he is hereby authorized to contract with some reliable party who shall make a complete index of said report and shall place the same in each of the volumes of the reports heretofore ordered kept for the use of the State, and shall further cause to be printed in some paper in Alabama the said index, so that those people of Alabama who are preserving the reports may easily obtain a copy of said index for their use and preservation.

The resolution was referred to the Committee on Rules.

Resolution 170, by Mr. Greer, of Perry :

Resolution of welcome to the Alabama Press Association :

Whereas, the press of Alabama is recognized as the most potent factor in disseminating information and in molding public opinion throughout every county, city, town, hamlet, and rural district of the State of Alabama; and

Whereas, The press of Alabama, as a majority, has ever been found on the side of the people, and of law and order, on all questions affecting the public weal, and in no time in its history has it failed to secure an endorsement of its fight for right, law and justice; and

Whereas, This Constitutional Convention owes, in a large measure, this assembling of the representatives of the people to the efforts of the press of Alabama, whose voice was almost as a unit for the call of the Convention; and

Whereas, a close scrutiny of the columns of the State press will show that it is to-day promulgating every act of this Convention, discussing and dissecting the same, so that each and every voter may be enabled to vote intelligently on the question of endorsement or refusing to endorse the action of this Convention; and

Whereas, The Alabama Press Association will meet in annual session in the city of Montgomery on Thursday and Friday of this week,

Therefore, be it resolved, by the people of Alabama, in Convention assembled, That the editors, their wives, daughters, sons and friends, composing this association, be extended an invitation to attend upon the meetings of this Convention during their stay in this city.

Be it further resolved, That this Convention invite the criticisms of the press of Alabama with reference to the arduous task now confronting this body, in formulating a new organic law, believing as we do that these intelligent criticisms will redound not only to the ratification of our acts, but that the people will thereby be apprised of the efforts now being made by their representatives to fulfill their duties honestly, fearlessly and conscientiously.

Be it further resolved, That this Convention extends best wishes to those members who shall take the happy outing to the Pacific coast, and that their trip may prove one of pleasure and of profit, and that they may return to their homes feeling that they have been rewarded in garnering information that will aid them in their progressive strides towards placing their State at the head of the realm, in progress and education, as she now stands in natural resources, and acknowledged possibilities.

Mr. Greer, of Perry, moved that the rules be suspended and that the resolution 170 be placed upon its immediate passage. The motion was lost, and the resolution was referred to the Committee on Schedule, Printing and Incidental Expenses.

#### ORDINANCES ON FIRST READING.

The following ordinances were introduced, severally read one time at length, and referred to appropriate committees, as follows:

Ordinance 389, by Mr. O'Neill, of Jefferson:

To relieve agents of firms or corporations in this State of license tax not charged outside the State to agents of firms or corporations doing business in Alabama.

The ordinance was referred to the Committee on Municipal Corporations.

Ordinance 390, by Mr. Spears:

An ordinance authorizing and making it the duty of the Commissioners' Court of St. Clair county to erect a suitable court house and jail at some place in said county on the south side of Back Bone Mountain, where all the courts are to be held for the trial of all causes and the transaction of all legal business originating in and pertaining to the people residing in beats 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, and 21, of said county.

The ordinance was referred to the Committee on State and County Boundaries.

Ordinance 391, by Mr. Whiteside:

An ordinance to prevent discrimination in privilege taxes.

The ordinance was referred to the Committee on Legislative Department.

Mr. Browne asked unanimous consent that a communication from a committee of the Alabama Educational Association, now in session in the city of Montgomery, be read by the Secretary. The communication was read at length as follows:

Montgomery, June 19, 1901.

*Hon. J. B. Graham, Chairman Committee on Education; Hon. Cecil Browne, Chairman Committee on Taxation:*

My Dear Sirs: At a regular meeting of the Alabama Educational Association, Tuesday, June 18th, the following resolution was adopted:

Resolved, That the hour of 4:30 p. m. Wednesday be the hour set apart for the discussion of "Local Taxation for School Purposes," and that a committee be appointed to invite the Constitutional Convention Committees on Education and Taxation to meet with this association at that hour.

The following committee, in accordance with above resolution, have the honor to invite you and your committees to be present at the above named hour, and we trust you will be with us and participate in the discussion.

Respectfully,

J. D. HUMPHREY,  
J. W. ABERCROMBIE,  
C. C. THACH,  
J. SAVAGE,  
J. B. CUNNINGHAM.

The Convention then proceeded to the consideration of the

#### UNFINISHED BUSINESS.

The report of the Committee on Executive Department, which was an ordinance "to create and define the Executive Department."

The question being upon the amendment of Mr. Macdonald to the amendment to Section 16 offered by the Committee on Executive Department, which reads as follows:

Amend paragraph 16, line 2, by adding after the words "Alabama" the words "under such regulations as it may prescribe."

And the amendment of Mr. Macdonald reads as follows:

To amend Section 16 of Article V by adding the following words:

The request in writing hereinabove provided for shall be verified by the affidavit of those making such request. And the Supreme Court shall prescribe rules of practice in such proceedings, which rules shall include a provision for the service of notice on the Governor of such proceeding, and a method of taking testimony therein."

Pending the consideration of the amendment offered by Mr. Macdonald, Mr. O'Neil, of Lauderdale, moved that the vote by which Section 15 was passed on yesterday be reconsidered, and the motion prevailed.

Mr. O'Neal offered the following amendment, which was read at length:

Amend Section 15, line 6, by adding after the word "State" on line 6, "for more than twenty days."

The amendment was adopted.

The question then recurred upon the adoption of Section 15, as amended, and Section 15, as amended, was adopted.

The question then recurred upon the amendment of Mr. Macdonald to the amendment offered by the Committee on Executive Department to Section 16 of the ordinance.

The amendment of Mr. Macdonald was adopted.

Mr. O'Neal then offered the following amendment to the amendment offered by the committee to Section 16, which was read at length:

Amend by adding after the word Governor "or other officer administering the office."

And the amendment of Mr. O'Neal, of Lauderdale, was adopted.

The question then recurred upon the adoption of the amendment of the committee, as amended, and the amendment, as amended, was adopted.

Mr. Pillans offered the following amendment, which was read at length:

Resolved, That Section 16 of Article V be amended as follows:

By adding after the word "shall" in the first line of Section 16, and before the word "become" in that line, the words "appear to have," so that said line may read "if the Governor or other officer administering the office shall appear to have become of unsound mind."

And the amendment was adopted.

Mr. Watts offered the following amendment, which was read at length:

Amend Section 16, Executive Department. Insert after "minutes," line 5, the following:

And when said investigation shall be ordered, the officer next entitled to the office of Governor, according to the provisions of Section 15, shall assume the duties of said office and discharge the same until said investigation has been concluded, and decision rendered therein.

Mr. deGraffenried moved to table the amendment offered by Mr. Watts, and the motion to table prevailed.

Mr. Jones, of Montgomery, chairman, acting for the Committee on Executive Department, offered the following amendment, which was read at length:

Amend Section 16 by striking out the period at the end thereof, and inserting in lieu thereof a semicolon; and by adding the following words, "when the incumbent denies that the Governor, or other person entitled to administer the office, has been restored to his mind, the Supreme Court, at the instance of any officer named in Section 15, shall ascertain the truth concerning the same, and, if the officer has been restored to his mind, shall so certify on its minutes and file a duly certified copy thereof with the Secretary of State, and in that event his office shall be restored to him.

And the amendment was adopted.

Mr. Ferguson offered the following amendment, which was read at length:

Provided, however, that if any court of competent jurisdiction in this State, upon inquiry into the same shall ascertain according to the rules of law in such cases, that such Governor, or any of said officers in said line of succession and exercising said office, is of unsound mind, the mode of inquiry first above set out shall be deemed unnecessary; and the certificate of the judge or clerk of such court adjudging such fact shall be filed in the office of the Secretary of State; and in that event it shall be the duty of the officer next in succession to perform the duties of Governor, until the Governor or such other officer is restored to his mind.

Mr. Samford moved to table the amendment offered by Mr. Ferguson, and the motion to table prevailed.

Mr. Samford moved the adoption of Section 16, as amended, and demanded the previous question. The previous question was ordered, and Section 16, as amended, was adopted.

## SECTION SEVENTEEN.

Sec. 17. The Lieutenant Governor, the President pro tem of the Senate, and the Speaker of the House of Representatives, shall receive during the time they respectively administer the government, like compensation as that fixed for the Governor; provided, if the General Assembly shall be in session during the time such officer may administer the office of Governor, they shall receive no compensation as officers or members of the General Assembly.

Was read at length.

Mr. Jones, of Montgomery, chairman, acting for the Committee on Executive Department, offered the following substitute for Section 17, which was read at length:

Strike out Section 17, as now written, and insert in lieu thereof the following words:

Sec. 17. The Lieutenant Governor, President pro tem of the Senate, Speaker of the House, Attorney General, State Auditor, Secretary of State, and State Treasurer, while administering the office of Governor, shall receive like compensation, and no other than that prescribed by law for the Governor.

Mr. Jones, of Montgomery, moved the adoption of the substitute. The motion prevailed, and the substitute was adopted.

And Section 17, as amended, was thereupon adopted.

## SECTION EIGHTEEN.

Sec. 18. No person shall at one and the same time hold the office of Governor of this State, and any office, civil or military, either under this State or the United States, or any other State government, except as otherwise provided in this Constitution.

Was read at length.

Mr. Jones, of Montgomery, chairman, acting for the Committee, moved the adoption of Section 18. The motion prevailed, and Section 18 was adopted.

## SECTION NINETEEN.

Sec. 19. The Governor shall be commander-in-chief of the militia and volunteer forces of this State, except when they shall be called into the service of the United States, and he may call out the same to execute the laws, suppress insurrection, and repel invasion; but need not command in person unless directed to do so by resolution of the General Assembly, and when acting in the service of the United States, he shall appoint his staff and the General Assembly shall fix his rank.

Mr. Jones, of Montgomery, chairman, acting for the committee, moved the adoption of Section 19. The motion prevailed, and Section 19 was adopted.

## SECTION TWENTY.

Sec. 20. The Governor shall not appoint any member of the General Assembly, during the term for which he shall have been elected, to any office.

Was read at length.

Mr. Jones, of Montgomery, chairman, acting for the committee, offered the following amendment, which was read at length:

Amend Section 20 by striking out the word "he" where it occurs therein, and insert words "such member."

And the amendment was adopted.

Mr. Sanders offered the following amendment, which was read at length:

To amend Section 20 by adding after the word "office" in the second line, the following words, "created during said term."

Mr. Thompson offered the following substitute for the amendment of Mr. Sanders, and the entire section, which was read at length:

Sec. 20. No member of the General Assembly shall, during the term for which he shall have been elected, be appointed to any office of profit in this State which shall have been created, or the emoluments of which shall have been increased during the term for which such member has been electd.



Mr. Samford moved to lay upon the table the amendment and substitute, and upon that motion the yeas and nays were demanded.

The call was sustained, and the amendment and substitute were laid upon the table.

Yeas, 76; nays, 68.

## YEAS.

Messrs. Ashcraft,  
Barefield,  
Beavers,  
Bethune,  
Blackwell,  
Chapman,  
Cobb,  
Cofer,  
Coleman (Greene),  
Cornwell,  
Craig,  
Cunningham,  
Davis (DeKalb),  
Dent,  
deGraffenried,  
Duke,  
Eley,  
Espy,  
Ferguson,  
Fletcher,  
Gilmore,  
Glover,  
Graham (Talladega).  
Grant,  
Greer (Calhoun),  
Greer (Perry),  
Handley,  
Henderson,  
Hodges,  
Howell,  
Howze,  
Inge,  
Jackson,

Jones (Hale),  
Jones (Montgomery),  
Jones (Wilcox),  
Kirk,  
Kirkland,  
Knight,  
Leigh,  
Locklin,  
Lowe (Jefferson),  
Lowe (Lawrence),  
Macdonald,  
McMillan (Baldwin),  
Malone,  
Maxwell,  
Merrill,  
Miller (Marengo),  
Miller (Wilcox),  
Morrisette,  
Mulkey,  
Norwood,  
Oates,  
O'Neal (Lauderdale),  
O'Neill (Jefferson),  
Opp,  
Palmer,  
Phillips,  
Porter,  
Reynolds (Henry),  
Robinson,  
Rogers (Sumter),  
Samford,  
Sanford,  
Sentell,

Selheimer,  
 Smith, Mac. A.,  
 Smith, Morgan M.,  
 Spragins,  
 Stewart,  
 Tayloe,

Vaughan,  
 Weakley,  
 White,  
 Williams (Marengo),  
 Winn—76.

## NAYS

Messrs. President,  
 Almon,  
 Altman,  
 Bartlett,  
 Beddow,  
 Boone,  
 Brooks,  
 Browne,  
 Bulger,  
 Burnett,  
 Burns,  
 Byars,  
 Cardon,  
 Carmichael (Colbert),  
 Carmichael (Coffee),  
 Carnathon,  
 Case,  
 Davis (Etowah),  
 Foshee,  
 Foster,  
 Freeman,  
 Grayson,  
 Haley,  
 Harrison,  
 Heflin (Chambers),  
 Heflin (Randolph),  
 Hinson,  
 Hood,  
 Jenkins,  
 Jones (Bibb),  
 Kyle,  
 Ledbetter,  
 Long (Butler),  
 Long (Walker),

McMillan (Wilcox),  
 Martin,  
 Moody,  
 Murphree,  
 NeSmith,  
 O'Rear,  
 Parker (Cullman),  
 Parker (Elmore),  
 Pearce,  
 Pettus,  
 Pillans,  
 Proctor,  
 Reese,  
 Renfro,  
 Reynolds (Chilton),  
 Rogers (Lowndes),  
 Sanders,  
 Searcy,  
 Sentell,  
 Sloan,  
 Smith (Mobile),  
 Sorrell,  
 Studdard,  
 Thompson,  
 Waddell,  
 Walker,  
 Watts,  
 Weatherly,  
 Whiteside,  
 Willett,  
 Williams (Barbour),  
 Williams (Elmore),  
 Wilson (Clarke).  
 Wilson (Washington)—68.

Mr. Samford moved the adoption of Section 20, as amended, and called for the previous question. The previous question was ordered.

Mr. Brooks moved that Section 20 and the amendments be laid upon the table.

The yeas and nays were demanded, and the call was sustained, and the motion of Mr. Brooks was lost.

## YEAS.

Messrs. President,	Miller (Marengo),
Almon,	Moody,
Bartlett,	NeSmith,
Brooks,	Oates,
Browne,	O'Rear,
Bulger,	Parker (Cullman),
Burnett,	Parker (Elmore),
Byars,	Pearce,
Cardon,	Pettus,
Carmichael (Coffee),	Pillans,
Case,	Proctor,
Davis (Etowah),	Reese,
Eley,	Renfroe,
Foshee,	Reynolds (Chilton),
Porter,	Rogers (Lowndes),
Grayson,	Sanders,
Greer (Calhoun),	Searcy,
Haley,	Sentell,
Harrison,	Sloan,
Heflin (Chambers),	Smith (Mobile),
Heflin (Randolph),	Sorrell,
Hinson,	Thompson,
Hood,	Waddell,
Jackson,	Walker,
Jenkins,	Watts,
Jones (Bibb),	Whiteside,
Kyle,	Willett,
Long (Butler),	Williams (Elmore),
Long (Walker),	Wilson (Clarke),
McMillan (Wilcox),	Wilson (Washington)—61.
Martin,	

## NAYS.

Messrs. Altman,  
Ashcraft,  
Barefield,  
Beavers,  
Beddow,  
Bethune,  
Blackwell,  
Boone,  
Carnathon,  
Chapman,  
Cobb,  
Cofer,  
Coleman (Greene),  
Cornwell,  
Craig,  
Cunningham,  
Davis (DeKalb),  
Dent,  
deGraffenried,  
Duke,  
Espy,  
Ferguson,  
Fletcher,  
Freeman,  
Gilmore,  
Glover,  
Graham (Talladega).  
Grant,  
Greer (Perry),  
Handley,  
Henderson,  
Hodges,  
Howell,  
Howze,  
Inge,  
Jones (Hale),  
Jones (Montgomery),  
Jones (Wilcox),  
Kirk,  
Kirkland,

Knight,  
Ledbetter,  
Leigh,  
Locklin,  
Lowe (Jefferson),  
Lowe (Lawrence),  
Macdonald,  
McMillan (Baldwin).  
Malone,  
Maxwell,  
Merrill,  
Miller (Wilcox),  
Morrisette,  
Mulkey,  
Murphree,  
Norman,  
Norwood,  
O'Neal (Lauderdale),  
O'Neill (Jefferson),  
Opp,  
Palmer,  
Porter,  
Reynolds (Henry),  
Robinson,  
Rogers (Sumter),  
Samford,  
Sanford,  
Selheimer,  
Smith, Mac. A.,  
Smith, Morgan M.,  
Spragins,  
Stewart,  
Tayloe,  
Vaughan,  
Weakley,  
White,  
Williams (Barbour),  
Williams (Marengo),  
Winn—79.

The question then recurred upon the motion of Mr. Samford to adopt Section 20, as amended. The motion of Mr. Samford prevailed, and Section 20, as amended, was adopted.

Mr. Pettus moved to reconsider the vote by which Section 20 was adopted, and gave notice that on to-morrow he would call up said motion for a reconsideration of the vote by which section 20 and the amendments thereto were adopted.

#### SECTION TWENTY-ONE.

Sec. 21. No person shall be eligible to the office of Secretary of State, State Treasurer, State Auditor, Superintendent of Education, Attorney General, or Commissioner of Agriculture and Industries, unless he shall have been a citizen of the United States at least seven years, and shall have resided in this State at least five years next preceding his election, and shall be at least twenty-five years old when elected.

Was read at length.

Mr. Oates offered the following amendment, which was read at length:

Amend Section 21 by striking out the word "State" where it occurs before the words Auditor and Treasurer.

Mr. Jones, of Montgomery, moved to table the amendment offered by Mr. Oates. The motion of Mr. Jones, of Montgomery, prevailed, and the amendment of Mr. Oates was laid upon the table.

Mr. Chapman offered the following amendment, which was read at length:

Amend Section 21 by striking out the word "twenty-five" in the fifth line, and inserting therein the word "thirty."

Mr. Jones, of Montgomery, moved to table the amendment offered by Mr. Chapman.

The motion prevailed, and the amendment was tabled.

Mr. Samford moved that Section 21 be adopted.

The motion prevailed, and Section 21, as amended, was adopted.

## SECTION TWENTY-TWO.

Sec. 22. There shall be a Great Seal of State, which shall be used officially by the Governor, and the Seal now in use shall continue to be used, until another shall have been adopted by the General Assembly. Said seal shall be called The Great Seal of the State of Alabama.

Was read at length.

Mr. Jones, of Montgomery, chairman, acting for the committee, offered the following substitute for Section 22, which was read at length:

Sec. 22. Commemorative of the heroism of Emma Sanson, the Great Seal of the State, which shall be used officially by the Governor, shall consist of the figure of an officer on horseback, fully armed, and a young woman seated behind him, with her left hand pointing forward; and the legend "I will show you the way." The Seal shall be called the Great Seal of the State of Alabama.

Messrs. Samford and Martin addressed the Convention at length in favor of the substitute.

Mr. Robinson offered the following amendment to the amendment offered by the committee, which was read at length:

Substitute for the amendment to Section 22, reported by the Committee on Executive Department, "Commemorative of the origin of the name of the State of Alabama, the Great Seal of the State, which shall be used officially by the Governor, shall consist of the figure of an Indian Chief followed by a small band of warriors, who, in crossing a beautiful meadow, as he approaches the bank of a river, thrusts his spear into the earth, with the words inscribed on the scroll above his head, "Here we rest." The said Seal shall be called the Great Seal of Alabama."

Pending the further consideration of the substitute and amendment for Section 22 the hour of 1 o'clock p. m. arrived, but before adjournment the President of the Convention read the following communication from the President of the Constitutional Convention of the State of Virginia:

State Capitol, Richmond, Va., June 19, 1901.

*The President and Delegates of the Constitutional Convention of the State of Alabama:*

The Commonwealth of Virginia, through her representatives in Convention assembled, sends cordial greetings to the President and members of the Constitutional Convention of Alabama, now sitting at Montgomery, Alabama and Virginia have long been bound together by the strongest and closest ties of interest and affection. The people of the two Commonwealths are animated by the same hopes, and the same aspirations. In acknowledging the courtesy of your message, we beg leave to express the earnest hope that in the wise and just determination of the momentous questions now under consideration, we may not only establish the peace and prosperity of our respective States, but contribute to the general welfare of our common country, and the good of mankind, thus justifying the confidence of our constituents and the reasonable hopes of our countrymen.

Very respectfully,

JOHN GOODE,

President Constitutional Convention.

11:48 a. m.

Mr. Reese moved that the communication be spread upon the Journal of the Convention, and the motion prevailed.

ADJOURNMENT.

Under the rules, the Convention adjourned until 10 o'clock on to-morrow.

## TWENTY-FIFTH DAY.

Montgomery, Ala., Thursday, June 20, 1901.

## CONVENTION HALL.

The Convention met pursuant to adjournment.

Prayer was offered by Rev. Mr. Murphy of the city.

## ROLL CALL.

On a call of the roll of the Convention the following delegates answered to their names, which constitute a quorum :

Messrs. President,	Craig,
Almon,	Davis (DeKalb),
Ashcraft,	Davis (Etowah),
Banks,	Dent,
Barefield,	deGraffenried,
Beavers,	Duke,
Beddow,	Eley,
Bethune,	Espy,
Blackwell,	Ferguson,
Boone,	Fitts,
Brooks,	Fletcher,
Browne,	Foshee,
Bulger,	Foster,
Burnett,	Freeman,
Byars,	Gilmore,
Cardon,	Glover,
Carmichael (Colbert),	Graham (Montgomery),
Carmichael (Coffee),	Graham (Talladega),
Carnathon,	Grant,
Case,	Grayson,
Chapman,	Greer (Calhoun),
Cobb,	Greer (Perry),
Cofer,	Haley,
Coleman (Greene),	Handley,
Coleman (Walker),	Harrison,
Cornwell,	Heflin (Chambers),



Heflin (Randolph),	Norwood,
Henderson,	Oates,
Hinson,	O'Neal (Lauderdale),
Hodges,	O'Neill (Jefferson),
Hood,	Opp,
Howell,	O'Rear,
Howze,	Palmer,
Inge,	Parker (Cullman),
Jackson,	Parker (Elmore),
Jenkins,	Pearce,
Jones (Bibb),	Pettus,
Jones (Hale),	Phillips,
Jones (Montgomery),	Pillans,
Jones (Wilcox),	Pitts,
Kirk,	Porter,
Kirkland,	Proctor,
Knight,	Reese,
Kyle,	Renfro,
Ledbetter,	Reynolds (Chilton),
Leigh,	Reynolds (Henry),
Locklin,	Robinson,
Lomax,	Rogers (Lowndes),
Long (Butler),	Rogers (Sumter),
Long (Walker),	Samford,
Lowe (Jefferson),	Sanders,
Lowe (Lawrence),	Sanford,
Macdonald,	Searcy,
McMillan (Baldwin),	Selheimer,
McMillan (Wilcox),	Sentell,
Malone,	Sloan,
Martin,	Smith (Mobile),
Maxwell,	Smith, Mac. A.,
Merrill,	Smith, Morgan M.,
Miller (Marengo),	Sorrell,
Miller (Wilcox),	Spears,
Moody,	Spragins,
Morrisette,	Stewart,
Mulkey,	Studdard,
Murphree,	Tayloe,
NeSmith,	Thompson,
Norman,	Vaughan,

Waddell,  
Walker,  
Watts,  
Weakley,  
Weatherly,  
White,  
Whiteside,

Williams (Barbour),  
Williams (Marengo),  
Williams (Elmore),  
Wilson (Clarke),  
Wilson (Washington).  
Winn—147.

## REPORT OF JOURNAL COMMITTEE.

The chairman of the Committee on the Journal submitted the following report:

The Committee on the Journal beg leave to report that they have examined the Journal for the twenty-fourth day of the Convention, and that the same is correct.

JOHN F. PROCTOR, *Chairman*.

The report of the committee was concurred in.

## RESOLUTIONS.

The following resolution was offered:

Resolution 171, by Mr. Sanders:

Resolved, That this Convention extends hearty greetings to the Alabama Press Association, now in session in Montgomery, and hereby expresses its appreciation of the efforts which the State press has constantly put forth in behalf of the Constitutional Convention in Alabama. We realize that it is through the instrumentality of the press, the county weekly and the daily, that we should be able to reach the people, and that the future political destiny of Alabama is largely in the hands of the newspapers of the State. We hereby express the hope that the labors of this Convention shall be so characterized by wisdom, and courage, as to command the unqualified endorsement and support of the press of Alabama.

Mr. Sanders moved that the rules be suspended, and that the resolution be put upon its immediate passage.

The motion prevailed.

Mr. Burns offered the following substitute for the resolution 171, offered by Mr. Sanders:

Substitute for resolution No. 171, by Mr. Burns:

Resolved, That this Convention recognize and appreciate the ability, loyalty, and influence of the press of Alabama.

That those champions of free speech and religious liberty who may be in this city are extended the courtesies of the floor.

Mr. Greer, of Perry, moved to table the resolution 171, and the substitute offered by Mr. Burns.

The motion was lost.

Mr. Sanders moved to table the substitute offered by Mr. Burns.

The motion prevailed, and the substitute was laid upon the table.

Mr. Burnett offered the following amendment to the resolution 171:

Amend by striking out the following:

We hereby express the hope that the labors of this Convention shall be so characterized by wisdom and courage as to command the unqualified endorsement and support of the press of Alabama.

Mr. Sanders moved to table the amendment offered by Mr. Burnett.

The motion to table prevailed, and the amendment was laid upon the table, and on motion the resolution 171 was adopted.

#### RECONSIDERATION.

Mr. Pettus moved that the vote by which Section 20 of the ordinance "to create and define the Executive Department" was adopted be reconsidered, notice of said motion having been given on yesterday.

The motion to reconsider prevailed. Yeas, 70; nays, 63.

YEAS.

Messrs. President,	McMillan (Wilcox),
Almon,	Miller (Marengo).
Bartlett,	Moody,
Brooks,	Murphree,
Browne,	NeSmith,
Bulger,	Oates,
Burnett,	O'Neill (Jefferson),
Burns,	Palmer,
Byars,	Parker (Cullman),
Cardon,	Parker (Elmore),
Carmichael (Coffee),	Pearce,
Carnathon,	Pettus,
Case,	Pitts,
Cornwell,	Proctor,
Davis (Etowah),	Reese,
Eley,	Renfro,
Foshee,	Reynolds (Chilton),
Foster,	Rogers (Lowndes),
Freeman,	Sanders,
Graham (Montgomery),	Searcy,
Grayson,	Sentell,
Greer (Calhoun),	Sloan,
Haley,	Smith (Mobile),
Harrison,	Sorrell,
Heflin (Chambers),	Studdard,
Heflin (Randolph),	Thompson,
Hinson,	Vaughan,
Hood,	Waddell,
Jackson,	Walker,
Jenkins,	Watts,
Knight,	Weatherly,
Kyle,	Whiteside,
Ledbetter,	Williams (Elmore),
Long (Butler),	Wilson (Clarke),
Long (Walker),	Wilson (Washington)—70.

## NAYS

Messrs. Banks,	Macdonald,
Barefield,	McMillan (Baldwin),
Beddow,	Malone,
Bethune,	Martin,
Blackwell,	Maxwell,
Chapman,	Merrill,
Cobb,	Miller (Wilcox),
Cofer,	Morizette,
Coleman (Greene),	Mulkey,
Craig,	Norman,
Davis (DeKalb),	Norwood,
Dent,	O'Neal (Lauderdale),
deGraffenried,	Opp,
Duke,	Phillips,
Espy,	Reynolds (Henry),
Fletcher,	Robinson,
Gilmore,	Rogers (Sumter),
Glover,	Samford,
Graham (Talladega),	Sanford,
Handley,	Selheimer,
Henderson,	Smith, Mac. A.,
Hodges,	Smith, Morgan M.,
Howze,	Spears,
Inge,	Spragins,
Jones (Bibb),	Stewart,
Jones (Hale),	Tayloe,
Jones (Montgomery),	Weakley,
Jones (Wilcox),	White,
Kirk,	Williams (Barbour),
Leigh,	Williams (Marengo).
Locklin,	Winn—63.

## ANNOUNCEMENT OF PAIRS.

The following pairs were announced on the reconsideration of the vote by which Section 20 of the ordinance "To create and define the Executive Department" was adopted:

Messrs. Boone and Cunningham. Mr. Boone would vote aye and Mr. Cunningham would vote nay.

Messrs. Carmichael, of Colbert, and Ashcraft. Mr. Carmichael, of Colbert, would vote aye, and Mr. Ashcraft would vote nay.

Messrs. Willett and Pillans. Mr. Willett would vote aye, and Mr. Pillans would vote nay.

## SECTION TWENTY.

Mr. Pettus moved to table Section 20 of the ordinance—"To create and define the Executive Department."

The motion to table prevailed. Yeas, 70; nays, 65.

## YEAS.

Messrs. President,	Hinson,
Almon,	Hood,
Bartlett,	Jackson,
Brooks,	Jenkins,
Browne,	Knight,
Bulger,	Kyle,
Burnett,	Ledbetter,
Burns,	Long (Butler),
Byars,	Long (Walker),
Cardon,	McMillan (Wilcox),
Carmichael (Coffee),	Martin,
Carnathon,	Miller (Marengo),
Case,	Moody,
Cornwell,	NeSmith,
Davis (Etowah),	Oates,
deGraffenried,	O'Neill (Jefferson),
Eley,	O'Rear,
Foshee,	Palmer,
Foster,	Parker (Cullman),
Freeman,	Parker (Elmore),
Graham (Montgomery),	Pearce,
Grayson,	Pettus,
Greer (Calhoun),	Pillans,
Haley,	Pitts,
Harrison,	Porter,
Heflin (Chambers),	Proctor,
Heflin (Randolph),	Reese,

Renfro,  
Reynolds (Chilton),  
Rogers (Lowndes),  
Sanders,  
Searcy,  
Sentell,  
Sloan,  
Sorrell,

Studdard,  
Thompson,  
Waddell,  
Watts,  
Weatherly,  
Whiteside,  
Wilson (Clarke),  
Wilson (Washington)—70.

## NAYS.

Messrs. Banks,  
Barefield,  
Beddow,  
Bethune,  
Blackwell,  
Chapman,  
Cobb,  
Cofer,  
Coleman (Greene),  
Craig,  
Davis (DeKalb),  
Dent,  
Duke,  
Espy,  
Fletcher,  
Gilmore,  
Glover,  
Graham (Talladega),  
Grant,  
Handley,  
Henderson,  
Hodges,  
Howell,  
Howze,  
Inge,  
Jones (Bibb),  
Jones (Hale),  
Jones (Montgomery),  
Jones (Wilcox),  
Kirk,

Leigh,  
Locklin,  
Macdonald,  
McMillan (Baldwin),  
Malone,  
Maxwell,  
Merrill,  
Miller (Wilcox),  
Morrisette,  
Mulkey,  
Murphree,  
Norman,  
Norwood,  
O'Neal (Lauderdale),  
Opp,  
Phillips,  
Reynolds (Henry),  
Robinson,  
Rogers (Sumter),  
Samford,  
Sanford,  
Selheimer,  
Smith (Mobile),  
Smith, Mac. A.,  
Smith, Morgan M.,  
Spears,  
Stewart,  
Tayloe,  
Vaughan,  
Walker,

Weakley,  
White,  
Williams (Barbour),

Williams (Marengo),  
Winn—65.

## ANNOUNCEMENT OF PAIRS.

The following pair was announced on the question above set out:

Messrs. Williams, of Elmore, and Spragins. Mr. Williams, of Elmore, would vote aye, and Mr. Spragins would vote nay.

## NOTICE OF RECONSIDERATION.

Mr. deGraffenried gave notice that at the proper time on to-morrow he would move a reconsideration of the vote by which Section 20 of the ordinance "To create and define the Executive Department" was laid upon the table.

## REPORT OF STANDING COMMITTEES.

Mr. Fletcher, chairman of the Committee on Banks and Banking, submitted the following report, which was laid upon the table for a third reading, and 300 copies of said report were ordered printed.

## REPORT OF COMMITTEE ON BANKS AND BANKING.

*Mr. President:*

The Committee on Banks and Banking have instructed me to make the following report, viz.:

They have examined all the ordinances and resolutions submitted to them, and without passing upon them separately, will say they have embraced the substance of some of them in the article herewith submitted.

That they have adopted the entire subdivision on Banks and Banking as it appears in Article XIV of the Constitution, with Section 8 added.

A. S. FLETCHER,  
Chairman on Banks and Banking.



## ARTICLE XIV.

## Sec. 1. Subdivision Banks and Banking.

The General Assembly shall not have the power to establish or incorporate any bank or banking company or money institution, for the purpose of issuing bills of credit, or bills payable to order or bearer, except under the conditions prescribed in this Constitution.

Sec. 2. No bank shall be established otherwise than under a general banking law, nor otherwise than upon a specie basis.

Sec. 3. All bills or notes issued as money shall be at all times redeemable in gold or silver, and no law shall be passed sanctioning, directly or indirectly, the suspension of any bank or banking company of specie payment.

Sec. 4. Holders of bank notes and depositors who have not stipulated for interest, shall, for such notes and deposits, be entitled in case of insolvency, to the preference of payment over all other creditors.

Sec. 5. Every bank or banking company shall be required to cease all banking operations within twenty years from the time of its organization (unless the General Assembly shall extend the time), and promptly thereafter close its business; but shall have corporate capacity to sue, and shall be liable to suits until its affairs and liabilities are fully closed.

Sec. 6. No banks shall receive, directly or indirectly, a greater rate of interest than shall be allowed by law to individuals for lending money.

Sec. 7. The State shall not be a stockholder in any bank, nor the credit of the State ever be given, or loaned, to any banking company, association or corporation.

Sec. 8. The General Assembly shall, by appropriate laws, provide for the examination by some public officer, of all banks and banking institutions and trust companies engaged in banking business in this State.

## UNFINISHED BUSINESS.

The Convention proceeded to the consideration of the unfinished business, which was the ordinance "To

create and define the Executive Department," reported by the Committee on Executive Department.

The question was upon the amendment offered by Mr. Robinson to the substitute reported by the committee for Section 22 of said ordinance, as follows:

Sec. 22. To commemorate the origin of the name of the State of Alabama, the Great Seal of the State which shall be used officially by the Governor, shall consist of the figure of an Indian Chief followed by a small band of warriors, who, in crossing a beautiful meadow, as he approaches the bank of a river, thrusts his spear into the earth; with the words inscribed on a scroll above his head: "Here we rest." The said Seal shall be called the "Great Seal of the State of Alabama."

Mr. Boone moved to table the substitute, and the amendment.

The motion to table prevailed.

Mr. Spragins offered the following substitute for Section 22, of the said ordinance:

To substitute for Section 22 the following:

Typical of the resources of the State of Alabama, the Great Seal of the State, which shall be used officially by the Governor, shall be the old seal used until 1875, with addition to indicate the mineral as well as the agricultural resources of the State, its rugged mountains, fertile plains and beautiful rivers, and that the Legislature shall name a commission to design said seal on these lines, and when approved by the Legislature, it shall be the Great Seal of the State of Alabama.

Mr. O'Neal, of Lauderdale, moved that the substitute offered by Mr. Spragins be tabled.

The motion to table prevailed.

Mr. deGraffenried moved that Section 22, "There shall be a Great Seal of State, which shall be used officially by the Governor, and the Seal now in use shall continue to be used until another shall have been adopted by the General Assembly. Said Seal shall be called the Great Seal of the State of Alabama, as reported by the committee, be adopted.

The motion prevailed, and Section 22, as above set out, was adopted.

## REPORT OF COMMITTEE ON EXECUTIVE DEPARTMENT.

Mr. Jones, of Montgomery, chairman of the Committee on Executive Department, submitted the following report:

*Mr. President:*

The Committee on Executive Department instructs me to report the following substitute for Section 4 of the ordinance "To create and define the Executive Department," and the pending amendments, to-wit:

Strike out Section 4 as it now stands, and insert in lieu thereof the following words:

Sec. 4. The returns of every election for Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, Attorney General, Superintendent of Education, and Commissioner of Agriculture and Industries, shall be sealed up and transmitted by the returning officers to the seat of government, directed to the Speaker of the House of Representatives, who shall, during the first week of the session to which said returns shall be made, open and publish them in the presence of both Houses of the General Assembly, in joint convention. The joint convention shall supervise and control the Speaker in the discharge of this duty, and has power: First, to determine whether the returns are in legal form, made by the proper officers, and truly give the results as ascertained and declared by the Board of Supervisors in the several counties. Second, to correct such errors as may be found therein. Third, to procure proper returns, when, for any cause, returns from any county have failed to reach the Speaker. The joint convention shall have no power to question the returns as to any other matter, or in any other respect. The person found to have the highest number of votes for either of said offices shall be declared duly elected; but if two or more persons shall have an equal and the highest number of votes for the same office, the General Assembly, by joint vote, without delay, shall

choose one of said persons for said office. Contested elections for Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, Attorney General, Superintendent of Education, and Commissioner of Agriculture and Industries, shall be determined by both Houses of the General Assembly in such manner as may be prescribed by law.

The committee recommends the adoption of the substitute.

THOMAS G. JONES, *Chairman*.

*Mr. President:*

The Committee on Executive Department report favorably upon resolution No. 151, and direct me to report it back to the Convention, with the recommendation that it be adopted.

THOMAS G. JONES, *Chairman*.

The resolution was read at length as follows:

Resolution 151, by Mr. O'Neal, of Lauderdale:

Resolved by the people of Alabama, in Convention assembled, That it is the sense of this Convention that the General Assembly of Alabama should, at its first meeting after the ratification of this Constitution, fix the salary of the Governor of Alabama at five thousand dollars per annum; provided, the same can be done without an increase of taxation in this State.

Mr. Spragins moved to table the resolution 151, reported favorably by the Committee.

The motion to table was lost. Yeas, 49; nays, 87.

YEAS.

Messrs. Almon,  
Barefield,  
Bartlett,  
Browne,  
Bulger,  
Burns,  
Byars,

Cardon,  
Carnathon,  
Case,  
Chapman,  
Coleman (Greene),  
Cornwell,  
Davis (DeKalb),

Fletcher,  
 Foshee,  
 Freeman,  
 Glover,  
 Grayson,  
 Greer (Perry),  
 Haley,  
 Handley,  
 Heflin (Chambers),  
 Henderson,  
 Jenkins,  
 Kirk,  
 Long (Butler),  
 Long (Walker),  
 Lowe (Lawrence),  
 Moody,  
 Morrisette,  
 Murphree,

NeSmith,  
 Parker (Elmore),  
 Pearce,  
 Phillips,  
 Porter,  
 Proctor,  
 Reynolds (Chilton),  
 Reynolds (Henry),  
 Sentell,  
 Sloan,  
 Spears,  
 Spragins,  
 Studdard,  
 Thompson,  
 Whiteside,  
 Williams (Barbour),  
 Williams (Elmore)—49.

## NAYS

Messrs. President,  
 Ashcraft,  
 Banks,  
 Beavers,  
 Beddow,  
 Bethune,  
 Blackwell,  
 Boone,  
 Brooks,  
 Burnett,  
 Cobb,  
 Cofer,  
 Craig,  
 Davis (Etowah),  
 Dent,  
 deGraffenried,  
 Duke,  
 Eley,  
 Espy,  
 Fitts,  
 Foster,

Gilmore,  
 Graham (Montgomery),  
 Graham (Talladega),  
 Grant,  
 Harrison,  
 Heflin (Randolph),  
 Hinson,  
 Hood,  
 Howell,  
 Howze,  
 Inge,  
 Jackson,  
 Jones (Bibb),  
 Jones (Montgomery),  
 Jones (Wilcox),  
 Knight,  
 Kyle,  
 Ledbetter,  
 Leigh,  
 Locklin,  
 Lomax,

Lowe (Jefferson),  
 Macdonald,  
 McMillan (Baldwin),  
 McMillan (Wilcox),  
 Malone,  
 Martin,  
 Maxwell,  
 Merrill,  
 Miller (Marengo),  
 Miller (Wilcox),  
 Mulkey,  
 Norman,  
 Norwood,  
 Oates,  
 O'Neal (Lauderdale),  
 Opp,  
 Palmer,  
 Parker (Cullman),  
 Pettus,  
 Pillans,  
 Pitts,  
 Reese,  
 Renfro,

Robinson,  
 Rogers (Lowndes),  
 Rogers (Sumter),  
 Samford,  
 Sanders,  
 Sanford,  
 Searcy,  
 Selheimer,  
 Smith (Mobile),  
 Smith, Mac. A.,  
 Smith, Morgan M.,  
 Sorrell,  
 Tayloe,  
 Vaughan,  
 Waddell,  
 Walker,  
 Watts,  
 White,  
 Williams (Marengo),  
 Wilson (Clarke),  
 Wilson (Washington),  
 Winn—87.

Mr. Coleman, of Greene, offered the following amendment to the resolution:

By Mr. Coleman, of Greene:

Moved to amend the resolution by striking out the words at the end of the resolution "if it can be done without an increase of taxation" and the substitution therefor the following words: "If in the discretion of the Legislature it is for the best interest of the State of Alabama."

Mr. Beddow moved to table the amendment offered by Mr. Coleman, of Greene.

The motion to table was lost. Yeas, 70; nays, 71.

YEAS.

Messrs. President,  
 Banks,  
 Beddow,

Bethune,  
 Boone,  
 Brooks,

Burnett,  
 Cobb,  
 Craig,  
 Dent,  
 deGraffenreid,  
 Duke,  
 Eley,  
 Espy,  
 Ferguson,  
 Fitts,  
 Foster,  
 Gilmore,  
 Graham (Montgomery),  
 Graham (Talladega).  
 Grant,  
 Heflin (Chambers),  
 Heflin (Randolph),  
 Hinson,  
 Hood,  
 Howell,  
 Howze,  
 Inge,  
 Jones (Bibb),  
 Jones (Hale),  
 Jones (Montgomery),  
 Jones (Wilcox),  
 Kyle,  
 Ledbetter,  
 Leigh,  
 Locklin,  
 Lomax,  
 Lowe (Jefferson),

Macdonald,  
 McMillan (Baldwin),  
 McMillan (Wilcox),  
 Malone,  
 Maxwell,  
 Merrill,  
 Miller (Wilcox),  
 Mulkey,  
 Norman,  
 Norwood,  
 Oates,  
 O'Neal (Lauderdale),  
 O'Neill (Jefferson),  
 Parker (Cullman),  
 Pitts,  
 Proctor,  
 Reese,  
 Robinson,  
 Rogers (Lowndes),  
 Samford,  
 Sanders,  
 Sanford,  
 Selheimer,  
 Smith (Mobile),  
 Smith, Morgan M.,  
 Tayloe,  
 Waddell,  
 Walker,  
 Watts,  
 White,  
 Wilson (Clarke),  
 Wilson (Washington)—70.

## NAYS.

Messrs. Almon,  
 Ashcraft,  
 Barefield,  
 Bartlett,  
 Beavers,  
 Blackwell,

Browne,  
 Bulger,  
 Burns,  
 Byars,  
 Cardon,  
 Carnathon,

Case,  
Chapman,  
Cofer,  
Coleman (Greene),  
Cornwell,  
Davis (DeKalb),  
Davis (Etowah),  
Fletcher,  
Foshee,  
Freeman,  
Glover,  
Grayson,  
Greer (Calhoun),  
Haley,  
Handley,  
Harrison,  
Henderson,  
Hodges,  
Jackson,  
Jenkins,  
Kirk,  
Knight,  
Long (Butler),  
Long (Walker),  
Lowe (Jefferson),  
Martin,  
Miller (Marengo),  
Moody,  
Murphree,  
NeSmith,

Opp,  
O'Rear,  
Palmer,  
Parker (Elmore),  
Pearce,  
Pettus,  
Phillips,  
Pillans,  
Porter,  
Renfro,  
Reynolds (Chilton),  
Reynolds (Henry),  
Rogers (Sumter),  
Searcy,  
Sentell,  
Sloan,  
Smith, Mac. A.,  
Sorrell,  
Spears,  
Spragins,  
Stewart,  
Studdard,  
Thompson,  
Vaughan,  
Whiteside,  
Williams (Barbour),  
Williams (Marengo),  
Williams (Elmore),  
Winn--71.

## ADJOURNMENT.

Pending the further consideration of the amendment offered by Mr. Coleman, of Greene, the hour of 1 o'clock p. m. having arrived, the Convention, under the rules, adjourned to meet at 10 o'clock on to-morrow.



JOURNAL OF ALABAMA  
TWENTY-SIXTH DAY.

CONVENTION HALL.

Montgomery, Ala., Friday, June 21, 1091.

The Convention met pursuant to adjournment.

Prayer was offered by Rev. Mr. Murphy of the city.

ROLL CALL.

On a call of the roll of the Convention the following delegates answered to their names, which constituted a quorum :

Messrs. President,	Coleman (Greene),
Almon,	Cornwell,
Ashcraft,	Craig,
Banks,	Cunningham,
Barefield,	Davis (DeKalb),
Bartlett,	Davis (Etowah),
Beavers,	Dent,
Beddow,	deGraffenried,
Bethune,	Duke,
Blackwell,	Eley,
Boone,	Eyster,
Brooks,	Espy,
Browne,	Ferguson,
Bulger,	Fitts,
Burnett,	Fletcher,
Burns,	Foshee,
Ryars,	Foster,
Cardon,	Freeman,
Carmichael (Colbert),	Gilmore,
Carmichael (Coffee),	Glover,
Carnathan,	Graham (Montgomery),
Case,	Graham (Talladega),
Chapman,	Grant,
Cobb,	Grayson,
Cofer,	Greer (Calhoun),

Greer (Perry),  
 Haley,  
 Handley,  
 Harrison,  
 Heflin (Chambers),  
 Heflin (Randolph),  
 Henderson,  
 Hinson,  
 Hodges,  
 Hood,  
 Howell,  
 Howze,  
 Inge,  
 Jackson,  
 Jenkins,  
 Jones (Bibb),  
 Jones (Hale),  
 Jones (Montgomery),  
 Jones (Wilcox),  
 Kirk,  
 Knight,  
 Kyle,  
 Ledbetter,  
 Leigh,  
 Locklin,  
 Lomax,  
 Long (Butler),  
 Long (Walker),  
 Lowe (Jefferson),  
 Lowe (Lawrence),  
 Macdonald,  
 McMillan (Baldwin),  
 McMillan (Wilcox),  
 Malone,  
 Martin,  
 Maxwell,  
 Miller (Marengo),  
 Miller (Wilcox),  
 Moody,  
 Morrisette,  
 Mulkey,

Murphree,  
 NeSmith,  
 Norman,  
 Norwood,  
 Oates,  
 O'Neal (Lauderdale),  
 O'Neill (Jefferson),  
 Opp,  
 O'Rear,  
 Palmer,  
 Parker (Cullman),  
 Parker (Elmore),  
 Pearce,  
 Pettus,  
 Phillips,  
 Pillans,  
 Pitts,  
 Porter,  
 Prector,  
 Reese,  
 Renfro,  
 Reynolds (Chilton),  
 Reynolds (Henry),  
 Robinson,  
 Rogers (Lowndes),  
 Rogers (Sumter),  
 Samford,  
 Sanders,  
 Sanford,  
 Searcy,  
 Selheimer,  
 Sentell,  
 Sloan,  
 Smith (Mobile),  
 Smith, Mac. A.  
 Smith, Morgan M.  
 Sorrell,  
 Spears,  
 Spragins,  
 Stewart,  
 Studdard,

Tayloe,  
Thompson,  
Vaughan,  
Waddell,  
Walker,  
Watts,  
Weakley,  
White,

Whiteside,  
Willett,  
Williams (Barbour),  
Williams (Marengo),  
Williams (Elmore),  
Wilson (Clarke),  
Wilson (Washington)—146

#### LEAVE OF ABSENCE

Was granted to Messrs. Winn for to-day and to-morrow; Eyster for yesterday; Willett for yesterday; Altman for yesterday, to-day and to-morrow; Cunningham for yesterday; Carmichael, of Colbert, for yesterday and to-day; Bethune for to-morrow; Coleman, of Walker, for yesterday, to-day and to-morrow; Merrill for to-day; Jones, of Bibb, for to-morrow; Waddell for to-morrow; Heflin, of Randolph, for to-morrow; Burnett for to-morrow; Long, of Butler, for to-morrow; Stewart for Saturday and Monday; Almon for to-morrow; Davis, of Etowah, for to-morrow; Craig for Saturday and Monday; Williams, of Elmore, for to-morrow; Norwood for to-morrow; Foshee for to-morrow; Inge for to-morrow.

#### REPORT OF THE COMMITTEE ON JOURNAL.

The chairman of the Committee on the Journal submitted the following report:

The Committee on the Journal beg leave to report that they have examined the Journal for the twenty-fifth day of the Convention, and found the same to be correct.

Respectfully submitted,

JOHN F. PROCTOR, *Chairman.*

The report was concurred in.

#### STENOGRAPHIC REPORT.

Mr. Ashcraft called the attention of the Convention to certain errors in the stenographic report of the proceedings of yesterday.

The report was ordered corrected.

Messrs. Cobb, Coleman, of Greene, and Heflin, of Chambers, also called attention to certain errors in the stenographic report of the proceedings of yesterday.

The report was ordered corrected.

#### COMMUNICATION.

The following communication was read to the Convention:

Montgomery, Ala., June 21, 1901.

*To Frank N. Julian, Secretary Constitutional Convention, City:*

Sir: Yours, enclosing resolution No. 171, of the Constitutional Convention, was duly received. The resolution was read to the Alabama Press Association, and received with satisfaction. I was instructed to extend thanks for the handsome recognition of this Association by a Convention which will rank in history as one of the most important that ever assembled in this State.

Very respectfully,

J. A. ROUNTREE,

Secretary Alabama Press Association.

#### REPORT OF STANDING COMMITTEES.

Mr. Lomax, chairman of the Committee on Preamble and Declaration of Rights, submitted the following report:

#### REPORT OF THE COMMITTEE ON PREAMBLE AND DECLARATION OF RIGHTS.

*Mr. President:*

The Committee on Preamble and Declaration of Rights instructs me to report the Preamble and Decla-

ration of Rights hereto attached for adoption by this Convention. The committee has carefully examined and considered all of the ordinances referred to it, and has incorporated the principles of some of them in the article herewith reported. A large number of them have been rejected by the committee because it was believed that the great and essential principles of liberty embodied in the bill of Rights, being as they are, the crystallization of the experience of centuries, should be preserved as far as possible, from change and innovation. The changes which have been made in the present article by omission of certain parts thereof have been made because the omitted portions were not properly part and parcel of a solemn statement of the reserved rights of the people to unequivocally declare which is the aim and purpose of the Bill of Rights of the Constitution of our State. Some of the ordinances rejected by the committee failed of adoption because it was evident that the objects sought to be obtained could be secured by legislative action, and that hence they were not proper matters for Constitutional enactment. The few sections and parts of sections added by your committee and not proposed by any ordinance referred to it were adopted because in the judgment of the committee they made more clear and specific and gave greater emphasis to those rights of the people which are above and beyond the general powers of government.

All ordinances referred to the committee are herewith respectfully returned.

The following are the material changes reported:

The Preamble has been shortened merely with a view of conforming to the practice of recent Conventions, all of which have adopted the shorter form of preamble.

To Section 5 of the Declaration of Rights the following words have been added: "No law shall ever be passed to curtail or restrain the liberty of speech or of the press."

To Section 7 the following addition has been made: A provision fixing in the Constitution the right of the defendant to testify in his own behalf and, also, one per-

mitting a motion by a defendant for a change of venue to be heard and determined in his absence.

In Section 9 the named misdemeanors are stricken out and the words "in cases of misdemeanor" are inserted.

There is added in Section 10 a provision that in cases fixed by law the trial judge may discharge a jury without the consent of the defendant.

In Section 13 the words "for libel" are inserted in the first line so as to permit the truth thereof to be given in evidence.

Section 23 is changed by prohibiting the General Assembly from granting any exclusive as well as irrevocable, special privileges or immunities, and providing that all franchises, privileges and immunities shall be subject to revocation, alteration and amendment.

There is added to Section 27 a provision requiring the General Assembly to define small arms, and to regulate the bearing of the same.

The word "right," as applied to suffrage, is stricken out, and the word "privilege" inserted.

Section 35 is stricken out as having no place in a Declaration of Rights.

Section 38 is changed to Section 37, and also by striking out the prohibition against an educational or property qualification for suffrage.

Section 38 is a new section, prohibiting the exercise by one department of the government of any of the functions of either of the other departments thereof.

Section 29 is retained as in the present Constitution, with the addition of a Declaration that the Rights retained by the people are excepted out of the general powers of government, and shall forever remain inviolate.

Upon some of the sections of the Declaration of Rights reported herewith the members of the committee are not unanimous, and the dissenting members will either submit minority reports or reserve liberty of action when the article reported is taken up for consideration by the Convention.

TENNENT LOMAX, *Chairman.*

## AN ORDINANCE

Adopting a Preamble and Declaration of Rights for the Constitution of the State of Alabama.

Be it ordained by the people of the State of Alabama, in Convention assembled, that the following shall be the Preamble and Declaration of Rights of the Constitution of this State :

## PREAMBLE.

We, the people of the State of Alabama, in Convention assembled, in order to establish justice, ensure domestic tranquility and secure the blessings of liberty to ourselves and our posterity, invoking the favor and guidance of Almighty God, do ordain and establish the following Constitution and form of Government for the State of Alabama :

## ARTICLE 1.

## DECLARATION OF RIGHTS.

That the great, general and essential principles of liberty and free government may be recognized and established, we declare :

1. That all men are equally free and independent; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty and the pursuit of happiness.

2. That all persons resident in this State, born in the United States, are naturalized, or who shall have legally declared their intention to become citizens of the United States are hereby declared citizens of the State of Alabama, possessing equal civil and political rights.

3. That all political power is inherent in the people, and all free governments are founded on their authority, and instituted for their benefit; and that therefore, they have at all times an inalienable and indefeasible right to change their form of government in such manner as they may deem expedient.

4. That no religion shall be established by law; that no preference shall be given by law to any religious sect, society, denomination or mode of worship; that no one shall be compelled by law to attend any place of worship; nor pay any tithes, taxes or other rate for the building or repairing any place of worship, or for maintaining any minister or ministry; that no religious test shall be required as a qualification to any office of public trust, under this State; and that the civil rights, privileges and capacities of any citizen shall not be in any manner affected by his religious principles.

5. No law shall ever be passed to curtail or restrain the liberty of speech or of the press; and any person may speak, write and publish his sentiments on all subjects, being responsible for the abuse of that liberty.

6. That the people shall be secure in their persons, houses, papers and possessions from unreasonable seizure or searches, and that no warrants shall issue to search any place or to seize any person or thing without probable cause, supported by oath or affirmation.

7. That in all criminal prosecutions, the accused has a right to be heard by himself and counsel or either; to demand the nature and cause of the accusation; to have a copy thereof; to be confronted by the witnesses against him; to have compulsory process for obtaining witnesses in his favor; to testify in all cases, in his own behalf, if he elects so to do; and, in all prosecutions by indictment, a speedy, public trial, by an impartial jury of the county or district in which the offense was committed; and that he shall not be compelled to give evidence against himself, nor be deprived of life, liberty or property but by due process of law; but the General Assembly may, by a general law, provide for a change of venue for the defendant in all prosecutions by indictment, and that such change of venue on application of the defendant, may be heard and determined without the personal presence of the defendant so applying therefor.

8. That no person shall be accused or arrested, or detained except in cases ascertained by law, and according to the form which the same has prescribed; and no



person shall be punished but by virtue of a law established and promulgated prior to the offense and legally applied.

9. That no person shall, for any indictable offense, be proceeded against criminally, by information, except in cases arising in the militia and volunteer forces when in actual service or by leave of the court, for misfeasance, misdemeanor, extortion and oppression in office otherwise than is provided in this Constitution; provided that in cases of misdemeanor, the General Assembly may, by law, dispense with a Grand Jury, and authorize such prosecutions and proceedings before Justices of the Peace or such other inferior courts as may be by law established.

10. That no person shall, for the same offense, be twice put in jeopardy of life or limb; but courts may, for reasons fixed by law, discharge juries from the consideration of any case, and no person shall gain any advantage by reason of such discharge of the jury.

11. That no person shall be barred from prosecuting or defending before any tribunal in this State, by himself or counsel, any civil cause to which he is a party.

12. That the right of trial by jury shall remain inviolate.

13. That in all prosecutions for libel or for the publication of papers investigating the official conduct of officers of men in public capacity, or when the matter published is proper for public information, the truth thereof may be given in evidence; and that in all indictments for libel, the jury shall have the right to determine the law and the facts under the direction of the court.

14. That all courts shall be open; and that every person, for any injury done him, in his lands, goods, person or reputation, shall have a remedy by due process of law; and right and justice shall be administered without sale, denial or delay.

15. That the State of Alabama shall never be made a defendant in any court of law or equity.

16. That excessive fines shall not be imposed nor cruel or unusual punishments inflicted.

17. That all persons shall, before conviction, be bailable by sufficient sureties, except for capital offenses, when the proof is evident or the presumption great; and that excessive bail shall not in any case be required.

18. That the privilege of the writ of *habeas corpus* shall not be suspended by the authorities of this State.

19. That the treason against the State shall consist only in levying war against it, or adhering to its enemies, giving them aid and comfort; and that no person shall be convicted of treason except on the testimony of two witnesses to the same overt act, or his confession in open court.

20. That no person shall be attainted of treason by the General Assembly; and that no conviction shall work corruption of blood or forfeiture of estate.

21. That no person shall be imprisoned for debt.

22. That no power of suspending laws shall be exercised except by the General Assembly.

23. That no *ex post facto* law, or any law, impairing the obligation of contracts, or making any irrevocable or exclusive grants of special privileges or immunities, shall be passed by the General Assembly; and every grant of a franchise, privilege or immunity, shall forever remain subject to revocation, alteration or amendment.

24. That the exercise of the right of eminent domain shall never be abridged nor so construed as to prevent the General Assembly from taking the property and franchises of incorporated companies and subjecting them to public use the same as individuals. But private property shall not be taken or applied for public use, unless just compensation be first made therefor; nor shall private property be taken for private use or for the use of corporations, other than municipal, without the consent of the owner; provided, however, that the General Assembly may, by law, secure the persons or corporations the right of way over the lands of other persons or corporations, and by general laws provide for and regulate the exercise by person and corporation of the rights herein reserved; but just compensation shall, in all cases, be first made to the owner; and, provided that the

right of eminent domain shall not be so construed as to allow taxation or forced subscription for the benefit of railroads or any other kind of corporation, other than municipal, or for the benefit of any individual or association.

25. That all navigable waters shall remain forever public highways, free to the citizens of the State, and of the United States, without tax, impost or toll; and that no tax, toll, impost or wharfage shall be demanded or received for the owner of any merchandise or commodity for the use of the shores, or any wharf erected on the shores, or in or over the waters of any navigable stream, unless the same be expressly authorized by law.

26. That the citizens have a right in a peaceable manner to assemble together for the common good, and to apply to those invested with the power of government for redress of grievances or other purposes, by petition, address or remonstrance.

27. That every citizen has a right to bear arms in defense of himself and the State; and it shall be the duty of the General Assembly to define by law small arms, and regulate the bearing of the same.

28. That no standing army shall be kept up without the consent of the General Assembly, and in that case, no appropriation for its support shall be made for a longer term than one year; and the military shall, in all cases and at all times, be in strict subordination to the civil power.

29. That no soldier shall, in time of peace, be quartered in any house without the consent of the owner, nor in time of war but in a manner to be prescribed by law.

30. That no title or nobility or hereditary distinction, privilege or emolument, shall ever be granted or conferred in this State; and that no office shall be created, the appointment to which shall be for a longer time than during good behavior.

31. That immigration shall be encouraged; emigration shall not be prohibited, and that no citizen shall be exiled.

32. That temporary absence from the State shall not cause a forfeiture of residence once obtained.

33. That no form of slavery shall exist in this State; and there shall not be any involuntary servitude, otherwise than for the punishment of crime, of which the party shall have been duly convicted.

34. The privilege of suffrage shall be protected by laws regulating elections, and prohibiting, under adequate penalties, all undue influences from power, bribery, tumult or other improper conduct.

35. Foreigners who are, or who may hereafter become bona fide residents of this State, shall enjoy the same rights in respect to the possession, enjoyment and inheritance of property, as native born citizens.

36. That the sole object and only legitimate end of government is to protect the citizens in the enjoyment of life, liberty and property, and when the government assumes other functions, it is usurpation and oppression.

37. That no restraint upon the privilege of suffrage on account of race, color or previous condition of servitude, shall be made by law.

38. In the government of this State, except in the instances in this Constitution hereinafter expressly directed or permitted, the Legislative Department shall never exercise the Executive or Judicial powers, or either of them; the Executive shall never exercise the Legislative and Judicial powers, or either of them; the Judicial shall never exercise the Legislative and Executive powers, or either of them; to the end that it may be a government of laws and not of men.

39. That this enumeration of certain rights shall not impair or deny others retained by the people; and, to guard against any encroachments on the rights herein retained, we declare that everything in this Declaration of Rights is excepted out of the general powers of government, and shall forever remain inviolate.

#### MINORITY REPORT.

The undersigned members of the Committee on Preamble and Declaration of Rights, do not concur in the

foregoing report of the committee so far as it relates to Section 12, Article I, for the following reasons:

In every relation of life in Alabama, where the result is dependent upon the opinions and decisions of a number of persons, the principle of majority rule governs, with the single exception of a verdict of a jury. Why should a unanimous verdict on a question of fact be required and enforced from a jury? A majority of one vote in this Convention either puts a proposition in the organic law or rejects it. A majority of one vote in each House of the General Assembly creates, repeals or modifies a positive law, regardless of the magnitude of the interests involved; a majority of the Senate of United States ratifies or refuses to consent to a treaty with a foreign power. A majority of a single vote in a half a million in a pivotal State may elect a President of the United States, change the policy of the government, and bring prosperity or ruin to seventy millions of people. And yet the majority of the committee deny that it would be sensible to apply this principle to a verdict of a jury in a civil suit at law. When a judgment is entered on a unanimous verdict, if an appeal is taken to the Supreme Court of the State, it can be then finally adjudicated by a bare majority of the Justices. So in the Supreme Court of the United States, five of the Justices against four held the income tax unconstitutional; and in the same court five of the Justices held that Porto Rico was not under the Constitution, and four that it was. Again in all ministerial and executive bodies the majority rules, and the will of the minority must give way to that of the majority when lawfully expressed. For these reasons we think that the provision authorizing three-fourths of a jury to render a verdict in a civil case should become a part of our Constitution, as it is of several other important States of the Union.

We therefore recommend as a substitute for Section 12, Article 1, as reported by the committee, the following:

Article I, Section 12. The right of trial by jury, as heretofore enjoyed, shall remain inviolate; but in civil actions three-fourths of the jury may render a verdict.

Respectfully submitted,

SAMUEL BLACKWELL,  
E. P. WILSON,  
T. J. CORNWELL.

The undersigned member of the Committee on Preamble and Declaration of Rights concurs in the majority of said report, save as to portions of Section 7, and he offers as an amendment to portions of Section 7 the following:

And in all prosecutions by indictment the place in the county or district in which the crime was committed shall be stated with reasonable certainty as to enable the defendant to know the particular place where the criminal act is alleged to have been committed.

Respectfully submitted,

J. H. BAREFIELD.

#### RESOLUTIONS.

The following resolutions were offered, severally read one time at length, and referred to appropriate committees, as follows:

Resolution 172, by Mr. Kirk:

Whereas, The power to regulate the right of Suffrage should be left exclusively to the several States in the Union; and,

Whereas, The people of Alabama find it necessary to the preservation of good government and honest elections to restrict the right of suffrage where granted to alien and inferior races; and desiring to avoid any seeming conflict between the organic law of the State of Alabama and the Federal Constitution; now, therefore

Be it resolved, That the President of this Convention appoint a committee of five, of which he shall be the chairman, to prepare suitable memorials to the Congress of the United States looking to an amendment of

the Federal Constitution whereby the Fifteenth Amendment of said Constitution may be stricken therefrom.

The resolution was referred to the Committee on Rules.

Resolution 173, by Mr. Harrison:

Resolved, That the Committee on Rules be and are hereby instructed to fix the time in which all ordinances reported by committees shall be considered by this Convention, and at the expiration of the time so fixed the previous question shall be considered as ordered, and the Convention shall proceed to vote upon the ordinance reported.

Resolved further, That half of the time fixed by the Committee on Rules for the Consideration of any ordinance shall be allowed to the committee reporting the same, and the other half to those proposing amendments and opposing the ordinance.

The resolution was referred to the Committee on Rules.

Resolution 174, by Mr. Cobb:

Resolved, That Rule 17 of this Convention be amended by striking out the word "thirty" in the ninth line and inserting the word "ten" so as to limit the right to close the debate after the call for the previous question has been sustained to ten minutes.

The resolution was referred to the Committee on Rules.

Resolution 175 by Mr. Cobb:

Resolved, That requests for leave of absence shall be made to the Speaker, who is empowered to grant the same without taking up the time of the Convention.

The resolution was referred to the Committee on Rules.

Resolution 176, by Mr. Vaughn:

Resolved, That the report of the Committee on Preamble and Declaration of Right shall be taken up and disposed of immediately after the report of the Committee on Taxation is disposed of.

Mr. Vaughan moved that the rules be suspended and that the resolution be adopted.

The motion to suspend the rules prevailed, and the resolution was adopted.

#### ORDINANCES ON FIRST READING.

The following ordinances were introduced by unanimous consent, severally read one time at length, and referred to appropriate committees, as follows:

Ordinance 392, by Mr. Reese:

An ordinance to be entitled Section —, of Article IV.

The ordinance was referred to the Committee on Legislative Department.

Ordinance 393, by Mr. Beddow:

To create a State Board of Arbitration.

The ordinance was referred to the Committee on Executive Department.

Ordinance 394, by Mr. O'Neal, of Lauderdale:

To amend the first proviso of Section 24 of Article I of the Constitution.

The ordinance was referred to the Committee on Preamble and Declaration of Rights.

#### RECOMMITTAL OF ORDINANCES.

Mr. Parker, of Cullman, chairman of the Committee on State and County Boundaries, returned to the Convention ordinance No. 390, "Authorizing and making it the duty of the Commissioners' Court of St. Clair County to erect a suitable court house and jail at some place in said county on the south side of Backbone Mountain, where all the courts are to be held for the trial of all cases, and the transaction of all legal business originating and pertaining to the people residing in beats 9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 20 and 21 of said county," and requested that the same be referred to the Committee on Amending the Constitution and Miscellaneous Provisions.

The ordinance was referred to the Committee on Amending the Constitution and Miscellaneous Provisions.



## UNFINISHED BUSINESS.

The Convention proceeded to the consideration of the unfinished business of yesterday, which was the report of the Committee on Executive Department.

The question was upon the amendment offered by Mr. Coleman, of Greene, to amend the resolution by striking out the following words at the end of the resolution: "If it can be done without an increase of taxation," and substituting therefor the following words: "If in the discretion of the Legislature it is for the best interest of the State of Alabama," to the resolution 151, reported favorably by the committee.

Mr. Coleman, of Greene, asked unanimous consent to be allowed to correct said amendment, as follows: To amend the resolution by striking out the following words: "Provided the same can be done without an increase of taxation in this State," and substitute therefor the words: "If in the discretion of the General Assembly it is for the best interest of the State of Alabama."

Unanimous consent was given, and the amendment was corrected accordingly.

The question was upon the adoption of the amendment.

The amendment was lost: Yeas, 56; nays, 80.

## YEAS.

Messrs. Ashcraft,  
Barefield,  
Bartlett,  
Beavers,  
Blackwell,  
Browne,  
Bulger,  
Byars,  
Cardon,  
Carnathon,  
Case,  
Chapman,  
Coleman (Greene),

Cornwell,  
Davis (DeKalb),  
Davis (Etowah),  
Fletcher,  
Foshee,  
Freeman,  
Glover,  
Grayson,  
Greer (Perry),  
Handley,  
Harrison,  
Henderson,  
Hodges,

Jackson,  
Jenkins,  
Kirk,  
Long (Butler),  
Long (Walker),  
Miller (Marengo),  
Moody,  
Mulkey,  
Murphree,  
NeSmith,  
Opp,  
O'Rear,  
Palmer,  
Parker (Elmore),  
Pearce,

Pettus,  
Phillips,  
Porter,  
Reynolds (Chilton),  
Reynolds (Henry),  
Rogers (Sumter),  
Sentell,  
Sloan,  
Smith, Mac. A.,  
Sorrell,  
Spragins,  
Stewart,  
Studdard,  
Vaughan,  
Williams (Barbour)—56.

## NAYS

Messrs. President,  
Almon,  
Banks,  
Beddow,  
Bethune,  
Boone,  
Brooks,  
Burnett,  
Burns,  
Carmichael (Coffee),  
Cobb,  
Cofer,  
Craig,  
Cunningham,  
Dent,  
deGraffenried,  
Duke,  
Eley,  
Espy,  
Fitts,  
Foster,  
Graham (Montgomery),  
Graham (Talladega),  
Grant,

Greer (Calhoun),  
Heflin (Chambers),  
Hinson,  
Hood,  
Howell,  
Howze,  
Inge,  
Jones (Bibb),  
Jones (Hale),  
Jones (Montgomery),  
Jones (Wilcox),  
Knight,  
Kyle,  
Ledbetter,  
Leigh,  
Locklin,  
Lomax,  
Lowe (Jefferson),  
Lowe (Lawrence),  
Macdonald,  
McMillan (Baldwin),  
McMillan (Wilcox),  
Malone,

Martin,  
Maxwell,  
Miller (Wilcox),  
Morrisette,  
Norman,  
Norwood,  
Oates,  
O'Neal (Lauderdale),  
O'Neill (Jefferson),  
Parker (Cullman),  
Pitts,  
Proctor,  
Reese,  
Robinson,  
Rogers (Lowndes),  
Samford,  
Sanders,

Sanford,  
Selheimer,  
Smith (Mobile),  
Smith, Morgan M.,  
Tayloe,  
Thompson,  
Waddell,  
Walker,  
Watts,  
Weakley,  
White,  
Whiteside,  
Willett,  
Williams (Marengo),  
Wilson (Clarke),  
Wilson (Washington)—80.

The resolution 151:

Resolved by the people of Alabama, in Convention assembled, That it is the sense of this Convention that the General Assembly of Alabama should, at its first meeting after the ratification of the Constitution, fix the salary of the Governor of Alabama at five thousand dollars per annum; provided the same can be done without an increase of taxation in the State, was adopted.

The Convention proceeded to the consideration of Section 4 of the ordinance, "To create and define the Executive Department," which was reported by the Committee on Executive Department on yesterday as follows:

Strike out Section 4 as it now stands, and insert in lieu thereof the following words:

Sec. 4. The returns of every election for Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, Attorney General, Superintendent of Education, and Commissioner of Agriculture and Industries, shall be sealed up and transmitted by the returning officers to the seat of government, directed to the

Speaker of the House of Representatives who shall, during the first week of the session to which said returns shall be made, open and publish them in the presence of both Houses of the General Assembly, in joint convention. The joint convention shall supervise and control the Speaker in the discharge of this duty, and has power: First, to determine whether the returns are in legal form, made by the proper officers, and truly give the results as ascertained and declared by the Board of Supervisors in the several counties. Second, to correct such errors as may be found therein. Third, to procure proper returns when for any cause, returns from any county have failed to reach the Speaker. The joint convention shall have no power to question the returns as to any other matter, or in any other respect. The person found to have the highest number of votes for either of said offices shall be declared duly elected; but if two or more persons shall have an equal and the highest number of votes for the same office, the General Assembly by joint vote, without delay, shall choose one of said persons for said office. Contested elections for Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, Attorney General, Superintendent of Education, and Commissioner of Agriculture and Industries, shall be determined by both Houses of the General Assembly in such manner as may be prescribed by law.

Mr. Jones, of Montgomery, asked unanimous consent to be allowed to submit an additional report.

Leave was granted, and Mr. Jones submitted the following report:

*Mr. President:*

The Committee on Executive Department direct me to return herewith ordinance No. 372, with the recommendation that it do not pass.

THOMAS G. JONES, *Chairman.*

Mr. Rogers, of Sumter, called for a reading of the ordinance 372, and the ordinance was read at length as follows:

Ordinance 372, by Mr. Rogers, of Sumter:

The returns for every election for Governor, Lieutenant Governor, Secretary of State, Auditor, Treasurer, Attorney General, Superintendent of Education, and Commissioner of Agriculture and Industries, shall be sealed up and transmitted by the returning officers to the seat of government, and directed to the Speaker of the House of Representatives, who shall, during the first week of the session, to which such returns shall be made, open and publish them in the presence of both Houses of the General Assembly in joint convention; but the Speaker's duty and the duty of the joint convention shall be purely ministerial.

The result of the election shall be ascertained and declared by the Speaker from the face of the returns without delay.

The person having the highest number of votes for any one of said offices shall be declared duly elected, but if two or more persons shall have an equal and the highest number of votes for the same office, the General Assembly, by joint vote, without delay, shall choose one of said persons for said office.

Contested elections for Governor, Lieutenant Governor, Secretary of State, Auditor, Treasurer, Attorney General, Superintendent of Education, and Commissioner of Agriculture and Industries shall be determined by both Houses of the General Assembly in such manner as may be prescribed by law.

Mr. Rogers, of Sumter, moved that the ordinance 372, above set out, be substituted for Section 4 of the ordinance "To create and define the Executive Department," reported by the committee.

#### ADJOURNMENT.

Pending the further consideration of the report of the Committee on Executive Department the hour of 1 o'clock p. m. arrived, and under the rules the Convention adjourned until to-morrow morning at 10 o'clock.

## TWENTY-SEVENTH DAY.

## CONVENTION HALL.

Montgomery, Ala., June 22, 1901.

The Convention met pursuant to adjournment.

Prayer was offered by Rev. Mr. Murphey of the city.

## ROLL CALL.

On a call of the roll of the Convention the following delegates answered to their names, which constituted a quorum :

Messrs. President,	Espy,
Ashcraft,	Ferguson,
Banks,	Fitts,
Barefield,	Foshee,
Bartlett,	Foster,
Beavers,	Freeman,
Beddow,	Gilmore,
Bethune,	Graham (Montgomery),
Blackwell,	Graham (Talladega),
Boone,	Grant,
Brooks,	Grayson,
Burns,	Haley,
Byars,	Greer (Perry),
Cardon,	Handley,
Carnathon,	Harrison,
Case,	Heflin (Chambers),
Chapman,	Henderson,
Cobb,	Hinson,
Cofer,	Hodges,
Cornwell,	Hood,
Cunningham,	Howell,
Davis (DeKalb),	Howze,
Dent,	Jackson,
deGraffenried,	Jenkins,
Duke,	Jones (Hale),
Eley,	Jones (Montgomery),
Eyster,	Jones (Wilcox),

Kirk,	Reynolds (Chilton),
Knight,	Reynolds (Henry),
Kyle,	Robinson,
Ledbetter,	Rogers (Lowndes),
Leigh,	Rogers (Sumter),
Locklin,	Samford,
Lomax,	Sanders,
Lowe (Jefferson),	Sanford,
Lowe (Lawrence),	Searcy,
Macdonald,	Selheimer,
McMillan (Baldwin),	Sentell,
McMillan (Wilcox),	Sloan,
Malone,	Smith (Mobile),
Martin,	Smith, Mac. A.,
Maxwell,	Smith, Morgan M.,
Merrill,	Sollie,
Miller (Wilcox),	Sorrell,
Moody,	Spears,
Morrisette,	Spragins,
Mulkey,	Studdard,
Murphree,	Tayloe,
NeSmith,	Walker,
Norman,	Walker,
Oates,	Watts,
O'Neal (Lauderdale),	Weakley,
O'Neill (Jefferson),	Weatherly,
Opp,	White,
Parker (Elmore),	Whiteside,
Pearce,	Willett,
Pettus,	Williams (Barbour),
Phillips,	Williams (Marengo),
Pillans,	Williams (Elmore),
Pitts,	Wilson (Clarke),
Porter,	Wilson (Washington)—121

## LEAVE OF ABSENCE

Was granted to Messrs. Coleman, of Greene, for to-day and Monday; Eley for Monday, Tuesday and Wednesday; Fletcher for to-day and Monday; Renfroe

for to-day and Monday; Bulger for to-day; Parker, of Cullman, for to-day; Howze for to-day; Long, of Walker, for to-day; O'Rear for to-day and Monday; Weatherly for yesterday; Carmichael, of Colbert, for to-day; Vaughan for to-day; Reese for to-day; Spragins for to-day; Kirkland for yesterday, to-day and Monday; Sollie for last Wednesday, Thursday and Friday; Proctor for to-day and Monday; Ledbetter for June 24 and 25; Opp for this afternoon.

#### REPORT OF COMMITTEE ON JOURNAL.

The chairman of the Committee on the Journal submitted the following report:

The Committee on the Journal beg leave to report that they have examined the Journal for the twenty-sixth day of the Convention, and that the same is correct.

Respectfully submitted,

JOHN F. PROCTOR, *Chairman.*

The report of the committee was concurred in.

#### Resolution 146:

Mr. Smith, of Mobile, acting chairman of the Committee on Rules, called up resolution 146, reported favorably by the Committee on Rules, by way of a substitute:

Substitute for resolution 146: Resolved, That after the passage of this resolution this Convention shall meet regularly each day at 10 o'clock in the morning, and shall remain in session from that time to 1 o'clock p. m., when a recess shall be taken to 3 p. m., and the Convention shall remain in session until 5 p. m., when the Convention shall stand adjourned until 10 o'clock a. m. of the succeeding day, and moved that the same be adopted.

The motion prevailed, and the resolution 146 was adopted.

#### RECOMMITTAL OF ORDINANCE.

Mr. Harrison, chairman of the Committee on Cor-



porations, returned to the Convention ordinance 352.

**Ordinance 352:**

For the protection of local building and loan associations from excessive taxation, and requested that the ordinance 352 be referred to the Committee on Taxation.

The ordinance was referred to the Committee on Taxation.

**RESOLUTIONS.**

The following resolutions were offered, severally read one time at length, and referred to appropriate committees, as follows:

**Resolution 177, by Mr. Burns:**

Whereas, But twenty-five more working days are allotted by the enabling act; which, counting six hours per day (being more than double the number of hours already utilized) would give to each member less than one hour.

Be it resolved, That the time occupied on this floor by each delegate be recorded, and that no delegate, who is not chairman of some committee or to whom the time of some other delegate has not been yielded, shall consume more than his pro rata share, except by leave of the Convention.

The resolution was referred to the Committee on Rules.

**Resolution 178, by Mr. Reynolds, of Chilton:**

Whereas, This Convention was called chiefly for the purpose of regulating the suffrage; and

Whereas, This Convention has previously pledged itself to be bound by the enabling act of the General Assembly, and

Whereas, One-half the time limit of said enabling act has already expired, and it would be unwise to rush through a suffrage plan;

Be it resolved by the Convention assembled, That the Suffrage Committee be and is hereby instructed to make a report not later than Monday next.

The resolution was referred to the Committee on Suffrage and Elections.

Resolution 179, by Mr. Grayson:

Resolved, That the daily sessions of this Convention shall begin at 10 a. m. and adjourn at 2 p. m.

The resolution was referred to the Committee on Rules.

Resolution 180, by Mr. Graham, of Talladega:

Resolved, That it is the sense of this Convention that the substance of the resolution hereto attached be incorporated in the article heretofore reported on the subject of taxation.

Resolution adopted by the State Association of County Superintendents of Education, and approved by the Alabama Educational Association June 20th, 1901.

Whereas, There is a crying need for better school houses in the rural districts of Alabama, we, the County Superintendents of Education, in association assembled in Montgomery, hereby petition the Committee on Taxation and Education in the Constitutional Convention now assembled, to recommend that public school houses be declared public buildings in making provision in the Constitution for a special county tax for the erection of court houses, bridges and other public buildings of the county, and that such aid may be given by the county to the building of public school houses in the county as the Commissioners' Courts or Boards of Revenue in the several counties may deem practicable.

W. S. NEAL, *Acting President.*

L. V. ROSSER, *Secretary.*

The resolution was referred to the Committee on Taxation.

Resolution 181, by Mr. Parker, of Elmore:

Resolved, That a committee be appointed by the President of this Convention, to consist of the President, the three other delegates from the State at large, and one from each Congressional district, to prepare a memorial to the Congress of the United States on the repeal of the Fifteenth Amendment of the Federal Constitution, said

committee to report *ad libitem* during the session of this Convention.

The resolution was referred to the Committee on Rules.

Resolution 182, by Mr. O'Neal, of Lauderdale:

Resolved, That the report of the Committee on Local Legislation be made the special order for consideration immediately after the conclusion of the consideration of the report of the Committee on Preamble and Declaration of Rights to the Constitution; that the Committee on Legislative Department submits supplement report on same subject to be considered at same time.

Mr. O'Neal moved that the rules be suspended and that the resolution be adopted.

The motion prevailed, and the rules were suspended and the resolution adopted.

Resolution 183, by Mr. Carnation:

Resolved by the people of Alabama, in Convention assembled, That hereafter no member shall speak longer than ten minutes, and more than twice on the same subject.

The resolution was referred to the Committee on Rules.

Resolution 184, by Mr. Cunningham:

Resolved, That after Tuesday next no per diem will be allowed to delegates to this Convention who are absent, except those granted leave of absence on account of sickness.

The resolution was referred to the Committee on Rules.

#### REPORT OF STANDING COMMITTEES.

Mr. O'Neal, chairman of the Committee on Local Legislation, submitted the following report:

##### REPORT OF THE COMMITTEE ON LOCAL LEGISLATION.

*Mr. President:*

The Committee on Local Legislation instructs me to report herewith an ordinance to be made an article on that subject.

The evil of local legislation has long been recognized not only in Alabama, but in many other States of the Union. A number of recent State Constitutions have endeavored to check this tendency on the part of the Legislative Department by absolute prohibition of local or special laws in certain enumerated cases. This method of enumerating the subjects as to which the Legislature is prohibited from passing local, special or private laws, seems to be the only feasible plan of accomplishing the result, and has received the approval of the following States: California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maryland, Mississippi, Missouri, Montana, Nevada, New Jersey, New York, South Carolina, North Dakota, Oregon, Pennsylvania, South Dakota, Texas, Washington, West Virginia, Wisconsin and Wyoming. The reason why the other States have not sought to check this evil by similar constitutional limitations on the power of the Legislature, is no doubt due to the fact that they have not framed new Constitutions since the danger from this class of legislation has become so patent, and its rapid and ever increasing growth so alarming. The Constitutional Convention of 1875 endeavored by what were then regarded as stringent provisions to prevent the growth of such legislation in Alabama, but that their efforts failed is made evident by the ever increasing flood of local and special laws which fill volumes containing the acts of the General Assembly. In recent years the number of local laws enacted have outnumbered the general laws in the proportion of about twenty to one. The books containing the general laws of the last two sessions of the General Assembly are less than the size of the old blue back Webster spelling book, while the volumes containing the local laws of those sessions are nearly ten times the size.

These local, special or private bills which we have sought to prohibit and regulate, destroy the harmony of the law, consume the time of the Legislature, and in some States have been the fertile source of jobbery. In the enumeration of subjects concerning which it is pro-

posed the General Assembly shall not legislate by special, private or local law, we have endeavored to include those matters which seem to have consumed most of the time of the Legislature and occupied most of the space in the published acts. The requirements that the notice of intention to introduce a special, private or local law, shall be affirmatively shown by the Journal of each House, and that the courts and not the General Assembly shall be the judges of whether the subject of any local law is provided for by any general law and whether the relief sought can be granted by any court, will, in the opinion of the committee, very materially aid in preventing local legislation.

We have also provided for the repeal of local laws now in existence upon the same notice being given and shown as is required in the passage of new ones.

One of the most common methods of evading provisions against special, private and local legislation consists in passing acts which, because they purport to amend general acts, are themselves deemed general. Another method consists in evading such laws by the partial repeal of general laws, by excepting certain counties, municipalities or corporations from their operation.

We have provided that the Legislature shall not indirectly enact such laws.

We have sought to prevent the assumption by the State Legislature of the direct control of local affairs. The General Assembly is authorized to confer upon local courts powers of local legislation and administration, thereby not only saving the time and expense required in the passage of local acts, but also relegating these matters to the local authorities and forum, which can best appreciate and understand local necessities and demands.

One of the most alarming evils which is the outgrowth of local legislation and which has increased enormously in the last few years is the unlimited power of counties and municipalities to borrow money.

The last two Legislatures alone authorized an issue of many million dollars worth of bonds in this State. This we have endeavored to check or to safeguard by proper restrictions.

The committee has not deemed it necessary to report specially upon the several ordinances and resolutions referred to it. All have been maturely considered, and the principles of most have been incorporated in this ordinance. These ordinances are herewith respectfully returned.

EMMETT O'NEAL, *Chairman.*

An ordinance concerning Local Legislation.

Be it ordained by the people of Alabama, in Convention assembled, that the following article on Local Legislation be inserted in the Constitution:

## ARTICLE —

### LOCAL LEGISLATION.

Section 1.—The General Assembly shall not pass a special, private or local law in any of the following cases:

First—Granting a divorce.

Second—Relieving any minor of the disabilities of non-age.

Third—Changing the name of any corporation, association or individual.

Fourth—Providing for the adoption or legitimizing of any child.

Fifth—Incorporating a town, city or village.

Sixth—Granting a charter to any corporation, association or individual.

Seventh—Establishing rules of descent or distribution.

Eighth—Regulating the time within which a civil or criminal action may be begun.

Ninth—Exempting any person, corporation, county, township, municipality or association from the operation of any general law.

Tenth—Providing for the sale of the property of any individual or estate.

Eleventh—Changing or locating a county seat.

Twelfth—Providing for a change of venue in any case.

Thirteenth—Regulating the rate of interest.

Fourteenth—Granting any exclusive or special privilege, immunity or franchise whatever.

Fifteenth—Fixing the punishment of crime or misdemeanors.

Sixteenth—Providing for or regulating either the assessment or collection of taxes.

Seventeenth—Giving effect to invalid will, deed or other instrument.

Eighteenth—Legalizing the invalid act of any officer.

Nineteenth—Authorizing any township, city, town or village to issue bonds or other securities.

Twentieth—Amending, confirming or extending the charter of any corporation or remitting the forfeiture thereof.

Twenty-first—Creating, extending or impairing any lien.

Twenty-second—Chartering or licensing any ferry, road or bridge.

Twenty-third—Regulating the jurisdiction and fees of Justices of the Peace, or the fees of Constable.

Twenty-fourth—Establishing separate school districts.

Twenty-fifth—Establishing separate stock districts.

Twenty-sixth—Creating, increasing or decreasing fees, percentage or allowance of public officers. No special, private or local law, except a law fixing the time of holding courts, shall be enacted in any case, which is provided for by a general law, or when the relief sought can be given by any court of this State, and the courts and not the General Assembly shall judge as to whether the matter of said law is provided for by a general law, and as to whether the relief sought can be given by any court; nor shall the General Assembly in-

directly enact any such special, private or local law by the partial repeal of a general law.

The General Assembly shall pass general laws for the cases enumerated in this Section.

Sec. 2.—No special, private or local law shall be passed on any subject not enumerated in Section 1 of this article, except in reference to fixing the time of holding courts, unless notice of the intention to apply therefor shall have been published, without cost to the State, in the county or counties where the matter or thing to be affected may be situated, which notice shall state the substance of the proposed law, and be published at least once a week for four consecutive weeks in some newspaper, or if there is no newspaper published in the county, by posting the said notice for four consecutive weeks at five different public places in the county or counties, prior to the introduction of the bill; and the evidence that said notice has been given shall be exhibited to each House of the General Assembly, and the fact of said notice spread upon the Journal. The courts shall pronounce void every local law which the Journals do not affirmatively show was passed in accordance with the provisions of this section.

Sec. 3.—The General Assembly may repeal any special, private or local law upon notice being given and shown, as provided in the last preceding section.

Sec. 4.—The operation of no general law shall be suspended for the benefit of any individual, corporation, association, town, city, county or township, nor shall any individual, corporation, association, town, city, county or township be exempted from the operation of any general law.

Sec. 5.—The General Assembly may by general law confer upon Courts of County Commissioners, Boards of Revenue or other courts, such power of local legislation and administration touching all matters and things not provided for by general law, and not inconsistent with the provisions of this Constitution, as the General assembly may from time to time deem expedient.

Sec. 6.—A general law, within the meaning of this



article, is a law which applies to the whole State; a local law is a law which applies to any political subdivision or subdivisions of the State less than the whole—a special or private law, within the meaning of this article, is a law which applies to an individual, association or corporation.

The report of the committee was read at length and placed on the calendar, and 300 copies of the same was ordered printed.

#### SPECIAL ORDER.

The report of the Committee on Local Legislation was made a special order for consideration immediately after the disposition of the report of the Committee on Preamble and Declaration of Rights.

#### UNFINISHED BUSINESS.

The Convention proceeded to the consideration of the unfinished business, which was the report of the Committee on Executive Department relative to Section 4 of the ordinance "To create and define the Executive Department," reported by said committee.

The question was upon the motion of Mr. Rogers, of Sumter, to substitute ordinance 372:

The returns of every election for Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, Attorney General, Superintendent of Education, and Commissioner of Agriculture and Industries, shall be sealed up and transmitted by the returning officers to the seat of government, directed to the Speaker of the House of Representatives who shall, during the first week of the session to which said returns shall be made, open and publish them in the presence of both Houses of the General Assembly, in joint convention; but the Speaker's duty and the duty of the joint convention shall be purely ministerial.

The result of the election shall be ascertained and de-

clared by the Speaker from the face of the returns without delay.

The person having the highest number of votes for any one of said offices shall be declared duly elected, but if two or more persons shall have an equal and the highest number of votes for the same office, the General Assembly, by joint vote, without delay, shall choose one of said persons for said office.

Contested elections for Governor, Lieutenant Governor, Secretary of State, Auditor, Treasurer, Attorney General, Superintendent of Education, and Commissioner of Agriculture and Industries shall be determined by both Houses of the General Assembly in such manner as may be prescribed by law.

Which was under an adverse report from the committee, for the Section 4 reported by the Committee on Executive Department.

The substitute was adopted. Yeas, 64; nays, 44.

## YEAS.

Messrs. Ashcraft,	Maxwell,
Banks,	Merrill,
Barefield,	Miller (Wilcox),
Blackwell,	Moody,
Boone,	Morrisette,
Brooks,	Murphree,
Burns,	NeSmith,
Carnathon,	Norman,
Case,	Oates,
Chapman,	O'Neill (Jefferson),
Cobb,	Opp,
Cornwell,	Parker (Elmore),
Cunningham,	Pearce,
Davis (DeKalb),	Pillans,
Eley,	Pitts,
Espy,	Reynolds (Henry),
Grayson,	Robinson,
Greer (Perry),	Rogers (Lowndes),
Haley,	Rogers (Sumter),
Heflin (Chambers),	Searcy,
Henderson,	Sentell,

Hood,  
Jenkins,  
Jones (Hale),  
Jones (Wilcox),  
Kirk,  
Ledbetter,  
Leigh,  
Locklin,  
Lowe (Lawrence),  
McMillan (Wilcox),  
Martin,

Smith, Mac. A.,  
Sollie,  
Sorrell,  
Thompson,  
Walker,  
Weatherly,  
Whiteside,  
Willett,  
Williams (Elmore),  
Wilson (Clarke),  
Wilson (Washington)—64.

## NAYS.

Messrs. Bartlett,  
Beddow,  
Cardon,  
Cofer,  
Dent,  
Eyster,  
Ferguson,  
Fitts,  
Foster,  
Freeman,  
Gilmore,  
Graham (Talladega).  
Handley,  
Harrison,  
Hinson,  
Hodges,  
Howell,  
Jackson.  
Jones (Montgomery),  
Knight,  
Lomax,  
Macdonald,

Byars,  
McMillan (Baldwin),  
Malone,  
Mulkey,  
O'Neal (Lauderdale),  
Pettus,  
Phillips,  
Porter,  
Reynolds (Chilton),  
Samford,  
Sanders,  
Sanford,  
Selheimer,  
Sloan,  
Smith, Morgan M.,  
Spears,  
Tayloe,  
Watts,  
Weakley,  
Whiteside,  
Williams (Barbour),  
Williams (Marengo)—44.

## ANNOUNCEMENT OF PAIRS.

The following pairs on the above question were announced :

Messrs. Coleman, of Greene, and Duke; Messrs. Long, of Walker, and Kyle. Mr. Coleman, of Greene, would vote aye, and Mr. Duke nay. Mr. Long, of Walker, would vote aye, and Mr. Kyle nay.

#### SECTION FOUR.

Section 4 of the ordinance "To create and define the Executive Department," as amended, was adopted.

#### UNFINISHED BUSINESS.

The Convention proceeded to the consideration of the unfinished business, which was the ordinance "To create and define the Executive Department." The question was upon the adoption of Section 23.

Sec. 23. The Secretary of State shall be the custodian of the Seal of State, and shall authenticate therewith all official acts of the Governor; his approval of laws, resolutions, appointments to office, and administrative orders excepted. He shall keep a register of the official acts of the Governor, and when necessary shall attest them, and lay copies of same, together with copies of all papers relative thereto, before either House of the General Assembly when required to do so, and shall perform such other duties as may be prescribed by law.

Was read at length.

Mr. Eyster offered the following amendment to Section 23, which was read at length:

Add the word "Great" ahead of the word "Seal," in the first line.

The amendment was, on motion of Mr. Samford, laid upon the table.

Mr. Samford moved to adopt Section 23, as above set out, and the motion prevailed.

#### SECTION TWENTY-FOUR.

Sec. 24. All grants and commissions shall be issued in the name and by the authority of the State of Ala-

bama, sealed with the Great Seal and signed by the Governor and countersigned by the Secretary of State.

Was read at length, and on motion of Mr. Jones, of Montgomery, Section 24, as above set out, was adopted.

#### SECTION TWENTY-FIVE.

Sec. 25. Should the office of Secretary of State, State Auditor, State Treasurer, Attorney General, Superintendent of Education, or Commissioner of Agriculture and Industries become vacant, for any cause, the Governor shall fill such vacancy until the disability is removed or a successor elected and qualified. In any case of said officers shall become of unsound mind, such unsoundness shall be ascertained by the Supreme Court upon the suggestion of the Governor.

Was read at length, and on motion of Mr. Jones, of Montgomery, Section 25, as above set out, was adopted.

#### SECTION TWENTY-SIX.

Sec. 26. The Governor, Lieutenant Governor and Attorney General are constituted a Board of Conciliation for the adjustment of differences between employer and employee engaged in mining, manufacturing, transportation, or other lawful industries, to which Board may be added in each case coming before it, two citizens of this or of some other State of the Union, to be appointed by the Governor. The Board may propose arbitration before it of any such dispute, whenever it deems proper; and in its discretion may hear such disputes when requested by either or both parties thereto. In all cases coming before it, the Board shall pass on the merits and recommend in writing what ought to be done to adjust the dispute or difference. Its judgment or award shall be advisory merely, unless both parties agree in writing in advance to perform the award, when it may be enforced by appropriate proceedings in the courts, under such rules and regulations as may be prescribed by law. The Board shall have power to compel the production of

papers and the attendance of witnesses in matters germane to the dispute or difference, under such rules and regulations as may be provided by law.

Was read at length.

Mr. Beddow offered the following substitute for Section 26:

Amend by striking out Section 26 and insert the following in lieu thereof:

Sec. 26. A Board of Arbitration is hereby created, of which the Commissioner of Agriculture and Industries shall be ex officio secretary, and said Board shall be composed of five members, two of whom shall be appointed by the employer, two by the employees, and one by the four members hereinbefore provided for. When any dispute shall arise between employer and employee in this State each party to such dispute shall notify the secretary of the Board of Arbitration of their intention to submit each dispute to arbitration and each party to such dispute shall certify to said secretary the names of the two persons selected by such party to act as arbitrators. The secretary of the Arbitration Board shall forthwith call and commission the arbitrators so named to meet at the Capitol, who shall proceed to organize by electing a disinterested person to act as such fifth member of said Board. The Board so organized shall take cognizance of such disputes only as are voluntarily submitted to it for adjudication; but the Secretary shall have power to enforce in the court all of its awards. The Legislature shall, at its first session after the adoption of this Constitution, enact laws for the enforcement of the awards of the Board herein created, and provides compensation for the members thereof.

RECESS.

Pending the further consideration of the report of the committee, the hour of 1 o'clock p. m. arrived, and under the rules the Convention recessed until 3 o'clock this afternoon.

## AFTERNOON SESSION.

The Convention met pursuant to adjournment.

## ROLL CALL.

On a call of the roll of the Convention the following delegates answered to their names, which constituted a quorum :

Messrs. President,	Graham (Montgomery),
Ashcraft,	Graham (Talladega),
Banks,	Grant,
Barefield,	Grayson,
Bartlett,	Greer (Perry),
Beddow,	Haley,
Bethune,	Handley,
Blackwell,	Heflin (Chambers),
Boone,	Henderson,
Brooks,	Hodges,
Browne,	Hood,
Burns,	Howell,
Byars,	Jackson,
Cardon,	Jenkins,
Carnathon,	Jones (Hale),
Case,	Jones (Montgomery),
Chapman,	Jones (Wilcox),
Cobb,	Kirk,
Cofer,	Knight,
Cunningham,	Kyle,
Davis (DeKalb),	Ledbetter,
Dent,	Leigh,
deGraffenried,	Locklin,
Duke,	Lomax,
Eley,	Lowe (Lawrence),
Eyster,	Macdonald,
Espy,	McMillan (Baldwin),
Ferguson,	McMillan (Wilcox),
Fitts,	Malone,
Foster,	Martin,
Freeman,	Maxwell,

Merrill,	Samford,
Miller (Wilcox),	Sanders,
Moody,	Sanford,
Morrisette,	Searcy,
Mulkey,	Selheimer,
Murphree,	Smith (Mobile),
NeSmith,	Smith, Mac. A.,
Norman,	Smith, Morgan M.,
Norwood,	Sollie,
Oates,	Thompson,
O'Neal (Lauderdale),	Walker,
Pearce,	Watts,
Pettus,	Weatherly,
Pillans,	White,
Pitts,	Whiteside,
Porter,	Willet,
Robinson,	Williams (Barbour),
Rogers (Lowndes),	Wilson (Clarke),
Rogers (Sumter),	Wilson (Washington)—101

#### LEAVE OF ABSENCE.

Was granted to Messrs. Banks for the 13th June and to-day; O'Neal, of Lauderdale, for Monday; Cornwell for this afternoon.

#### UNFINISHED BUSINESS.

The Convention proceeded to the consideration of the unfinished business, which was the substitute offered by Mr. Beddow for Section 26 of the ordinance "To create and define the Executive Department."

Mr. deGraffenried moved to table the substitute offered by Mr. Beddow.

The motion prevailed, and the substitute was laid upon the table.

Mr. Jones, of Montgomery, moved that Section 26,

The Governor, Lieutenant Governor and Attorney General are constituted a Board of Conciliation, for the adjustment of differences between employer and employee engaged in mining, manufacturing, transpor-



tation or other lawful industries, to which Board may be added in each case coming before it, two citizens of this or some other State of the Union, to be appointed by the Governor. The Board may propose arbitration before it of any such dispute, whenever it deems proper; and in its discretion may hear such disputes when requested by either or both parties thereto. In all cases coming before it, the Board shall pass on the merits and recommend in writing what ought to be done to adjust the dispute or difference. Its judgment or award shall be advisory merely, unless both parties agree in writing in advance to perform the award, when it may be enforced by appropriate proceedings in the courts, under such rules and regulations as may be proscribed by law. The Board shall have power to compel the production of papers and the attendance of witnesses in matters germane to the dispute or difference, under such rules and regulations as may be provided by law, be laid upon the table.

The motion prevailed, and Section 26 was laid upon the table.

#### SECTION TWENTY-SEVEN.

Sec. 27. The Governor, Auditor and Treasurer, or the Governor and either the Auditor or Treasurer, when there are funds in the Treasury not immediately needed, may loan out the same on call, for such time and at such rate of interest as they may deem advisable, taking as collateral, bonds of the United States, or of this State, to the full value of the amount loaned, and the interest agreed to be paid therefor; such loans shall not be made until after one week's public notice, through some paper published at the Capital, and a record of such loans shall be kept in the office of the Auditor, and reported by the Governor to the General Assembly at its next meeting, was read at length.

The following minority report was submitted by Mr. Vaughan, from the Committee on Executive Department:

And he further recommends that Section 27 (which relates to the loaning of money in the State Treasury), as reported by said committee, be stricken out and do not pass.

Mr. Handley offered the following substitute for Section 27 and the minority report:

That if at any time there is a surplus in the State Treasury above the needs of the State government economically administered, it shall be the duty of the Governor to report that fact to the General Assembly, and in that event it shall be the duty of the General Assembly to reduce the rate of taxation allowed by the Constitution, in such proportion that such surplus bears to the ordinary expenses of the State government honestly administered.

Mr. Jones, of Montgomery, moved to table the Section 27, and the pending substitute.

The motion prevailed, and Section 27 and the substitute was laid upon the table.

#### SECTION TWENTY-EIGHT.

Sec. 28. The State Treasurer, State Auditor, Attorney General and the Commissioner of Agriculture and Industries shall perform such duties as may be prescribed by law. The State Treasurer and State Auditor shall every year at a time the General Assembly may fix, make a full and complete report to the Governor, showing the receipts and disbursements of revenues of every character, and all claims audited and paid out by items, and all taxes and revenues collected and paid into the Treasury, and from what sources, and they shall make reports oftener upon any matters pertaining to their office if required by the Governor or General Assembly, was read at length.

Mr. Murphree offered the following amendment, which was read at length:

Amend Section 28 to insert after the word Auditor, in first line, the words "Secretary of State."

The amendment was adopted.

Mr. Jones, of Montgomery, moved that Section 28, as amended, be adopted.

The motion prevailed, and Section 28 was adopted.

#### SECTION TWENTY-NINE.

Sec. 29. The State Auditor, State Treasurer, Attorney General, Secretary of State and Commissioner of Agriculture and Industries shall not receive to their use, any fees, costs, perquisites of office, or other compensation than their salaries as prescribed by law, and all fees that may be payable for any services performed, through such officers shall be at once paid into the State Treasury, was read at length, and on motion of Mr. Jones, of Montgomery, the Section 29 was adopted.

#### SECTION THIRTY.

Sec. 30. A Sheriff shall be elected in each county by the qualified electors thereof, who shall hold his office for a term of four years, unless sooner removed, and shall be ineligible to such office as his own successor. Whenever any prisoner is taken from the jail or from the custody of the Sheriff or his deputies, and put to death, or suffers grievous bodily harm, owing to the neglect, connivance, cowardice or other grave fault of the Sheriff, such Sheriff may be impeached under Section 2 of Article VII of the Constitution; and the Governor, when satisfied, after hearing the Sheriff, that he should be impeached, may suspend him from office for such time as he may think proper, until the impeachment proceedings are finally disposed of, was read at length.

Mr. Wilson, of Washington, offered the following amendment to Section 30, which was read at length :

Amend Section 30 by striking from lines two and three the following words, "and shall be ineligible to such office as his own successor."

The amendment was lost.

Mr. Samford offered the following amendment to Section 30, which was read at length :

Amend Section 30 by striking out that part of the Section after the period on line three.

The amendment was, on motion of Mr. O'Neal, of Lauderdale, laid upon the table.

Mr. Sollie moved to recommit Section 30 to the Committee on Executive Department.

Mr. Boone offered the following amendment to Section 30, which was read at length:

Amend Section 30 of Article V in line seven, after the word impeached, to read "may suspend him from office until the impeachment proceedings are decided."

The amendment was adopted.

Mr. Murphree offered the following amendment to Section 30, which was read at length:

Amend Section 30 by inserting in second line after word "and he and his deputies shall be ineligible to such office for four years after the term of the Sheriff expires."

Mr. deGraffenried moved to table the amendment offered by Mr. Murphree.

The motion prevailed, and the amendment was laid on the table.

Mr. Blackwell offered the following amendment to Section 30, which was read at length:

To amend the report of the Committee on Executive Department as follows: Add after the line in Section 30 of Article V: That if the Sheriff should be impeached he shall not be eligible to hold any other office in this State during the time for which he had been elected to serve as Sheriff.

Mr. Barefield moved to table the amendment offered by Mr. Blackwell.

The motion to table was lost.

The amendment offered by Mr. Blackwell was adopted.

Mr. Burns offered the following amendment to Section 30, which was read at length:

Amend Section 30 by striking all after the word successor in the third line.

Mr. deGraffenried moved to table the amendment offered by Mr. Burns.

The motion prevailed, and the amendment was laid on the table.

Mr. deGraffenried offered the following amendment to Section 30, which was read at length:

Amend Section 30 by striking therefrom the words "such office as his own successor" in the third line and insert therein in lieu thereof the following: "To election or appointment to any office under this State for one year after the expiration of his term."

The amendment was adopted: Yeas, 44; nays, 39.

#### YEAS.

Messrs. President,  
Ashcraft,  
Beddow,  
Blackwell,  
Boone,  
Brooks,  
Browne,  
Case,  
Cofer,  
Cunningham,  
deGraffenried,  
Espy,  
Foster,  
Freeman,  
Graham (Talladega).  
Handley,  
Hodges,  
Hood,  
Howell,  
Jones (Wilcox),  
Kirk,  
Kyle,

McMillan (Baldwin).  
McMillan (Wilcox),  
Malone,  
Maxwell,  
Mulkey,  
NeSmith,  
Norman,  
O'Neal (Lauderdale),  
Pillans,  
Pitts,  
Searcy,  
Sloan,  
Tayloe,  
Thompson,  
Weakley,  
Weatherly,  
White,  
Whiteside,  
Willett,  
Williams (Barbour),  
Wilson (Washington)—44.

#### NAYS.

Messrs. Barefield,  
Bartlett,  
Beavers,

Burns,  
Byars,  
Cardon,

Carnathon,	O'Neill (Jefferson),
Chapman,	Pearce,
Davis (DeKalb),	Pettus,
Eyster,	Phillips,
Ferguson,	Porter,
Fitts,	Robinson,
Graham (Montgomery),	Rogers (Sumter),
Grayson,	Samford,
Henderson,	Sanders,
Jenkins,	Sanford,
Jones (Montgomery),	Smith, Morgan M.,
Knight,	Sollie,
Leigh,	Spears,
Locklin,	Walker,
Martin,	Williams (Marengo),
Murphree,	Wilson (Clarke)—39.
Oates,	

Mr. Wilson, of Clarke, raised the point of order that no quorum had voted upon the adoption of the amendment. The point was not sustained.

#### ANNOUNCEMENT OF PAIRS.

The following pairs were announced on the question of the adoption of the amendment and the adoption of Section 30:

Messrs. Watts and Jones, of Hale. Mr. Watts would vote aye, and Mr. Jones, of Hale, would vote nay.

#### RECONSIDERATION.

Mr. Wilson, of Washington, gave notice that on tomorrow (Monday) he would move to reconsider the vote by which Section 30 was adopted.

#### RECONSIDERATION.

Mr. Wilson, of Washington, gave notice that on tomorrow (Monday) he would move to reconsider the vote by which the amendment offered by Mr. deGraffenried was adopted.

Mr. deGraffenried moved that Section 30, as amended, be adopted.

The motion prevailed, and Section 30 was adopted.

Mr. Browne offered the following amendment to the ordinance under consideration:

Amend the article reported by the Committee on Executive Department by inserting the following section after Section 25:

Sec. 26. The Governor, Attorney General, Secretary of State, Auditor and Treasurer shall constitute a Board of Equalization. The duty of such Board shall be to adjust and equalize the valuation of real and personal property for taxation among the several counties of the State, and to perform such other duties, pertaining to the equalization of taxable values of property among the counties as may be prescribed by law.

Mr. Samford moved to table the amendment offered by Mr. Browne:

The motion prevailed, and the amendment was laid upon the table.

#### ADJOURNMENT.

On motion of Mr. Blackwell the Convention adjourned until Monday morning at 10 o'clock.

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### TWENTY-EIGHTH DAY.

#### CONVENTION HALL.

Montgomery, Ala., Monday, June 24, 1901.

The Convention met pursuant to adjournment.

Prayer was offered by Rev. Mr. Howell, of the Convention.

#### ROLL CALL.

On a call of the roll of the Convention the following delegates answered to their names, which constituted a quorum:

Messrs. President,  
Almon,  
Ashcraft,  
Banks,  
Barefield,  
Bartlett,  
Beavers,  
Beddow,  
Bethune,  
Blackwell,  
Boone,  
Brooks,  
Browne,  
Bulger,  
Burnett,  
Burns,  
Byars,  
Cardon,  
Carmichael (Colbert),  
Carmichael (Coffee),  
Carnathon,  
Case,  
Chapman,  
Cobb,  
Cornwell,  
Davis (DeKalb),  
Davis (Etowah),  
Dent,  
deGraffenried,  
Duke,  
Eyster,  
Espy,  
Ferguson,  
Fitts,  
Foshee,  
Foster,  
Freeman,  
Gilmore,  
Glover,  
Graham (Montgomery),  
Graham (Talladega),

Grant,  
Grayson,  
Greer (Calhoun),  
Haley,  
Handley,  
Harrison,  
Heflin (Chambers),  
Heflin (Randolph),  
Henderson,  
Hinson,  
Howell,  
Howze,  
Inge,  
Jackson,  
Jenkins,  
Jones (Bibb),  
Jones (Hale),  
Jones (Montgomery),  
Jones (Wilcox),  
Kirk,  
Kirkland,  
Knight,  
Kyle,  
Leigh,  
Locklin,  
Lomax,  
Long (Butler),  
Lowe (Lawrence),  
Macdonald,  
McMillan (Baldwin),  
McMillan (Wilcox),  
Malone,  
Martin,  
Miller (Marengo),  
Miller (Wilcox),  
Moody,  
Morrisette,  
Mulkey,  
Murphree,  
NeSmith,  
Norman,



Norwood,	Sentell,
Oates,	Sloan,
O'Neill (Jefferson),	Smith (Mobile),
Opp,	Smith, Mac. A.,
O'Rear,	Sollie,
Palmer,	Spears,
Parker (Cullman),	Tayloe,
Parker (Elmore),	Thompson,
Pearce,	Vaughan,
Pettus,	Waddell,
Phillips,	Walker,
Pitts,	Watts,
Porter,	Weakley,
Proctor,	Weatherly,
Reese,	White,
Reynolds (Henry),	Whiteside,
Robinson,	Willett,
Rogers (Sumter),	Williams (Barbour),
Samford,	Williams (Marengo),
Sanders,	Wilson (Clarke).
Sanford,	Wilson (Washington)—125
Searcy,	

#### LEAVE OF ABSENCE

Was granted to Messrs. Cunningham for to-day; Jones of Montgomery, for to-morrow; Lomax for to-day and to-morrow; Glover for last Saturday; Williams, of Elmore, indefinitely; Studdard for to-day and to-morrow; Greer, of Perry, for to-day; Smith, M. M., for to-day and to-morrow; Sentell this evening and to-morrow.

#### REPORT OF THE COMMITTEE ON JOURNAL.

The chairman of the Committee on the Journal submitted the following report, which was concurred in:

The Committee on the Journal beg leave to report that they have examined the Journal for the twenty-seventh day of the Convention, and that the same is correct.

Respectfully submitted,

JOHN F. PROCTOR, *Chairman.*

## RESOLUTIONS.

The following resolution was offered. The rules were suspended and the resolution was adopted:

Resolution No. 185, by Mr. Jones, of Montgomery:

Resolved, That in engrossing the ordinance on Executive Department, the Secretary be instructed to change the number of the sections in the ordinance to confirm to the action of the Convention.

Adopted.

The following resolution was offered, read one time at length, and referred to the Committee on Rules:

Resolution No. 186, by Mr. Foster:

Resolved, That beginning with to-day, the afternoon sessions of this Convention shall be from 4 o'clock p. m. to 6 o'clock p. m.

## ORDINANCES ON FIRST READING.

The following ordinances were introduced, severally read one time at length, and referred to appropriate committees, as follows:

Ordinance No. 396, by Mr. John W. A. Sanford:

An ordinance to prohibit the General Assembly from authorizing lotteries, gift enterprises or pool selling on sports or games of any kind or description.

The ordinance was referred to the Committee on Legislative Department.

Ordinance No. 397, by Mr. O'Neill, of Jefferson:

An ordinance allowing electors to express their preference for United States Senators.

The ordinance was referred to the Committee on Legislative Department.

## REPORTS OF STANDING COMMITTEES.

Mr. Oates, chairman of the Committee on Legislative Department, submitted the following supplementary report to the report of the Committee on Local Legislation:

A report from the Committee on Legislative Department.

*Mr. President:*

Whereas, Local Legislative provisions have heretofore belonged to the Legislative Department of the Constitution; and

Whereas, One of the standing committees of this Convention was given jurisdiction of Local Legislation, which led to some confusion in the introduction and reference of ordinances upon that subject to each of said committees, and causes the Committee on Legislative Department to fully consider and draft a section, with numerous subdivisions, to report to the Convention for adoption; and

Whereas, The Committee on Local Legislation has made its report not embracing a number of matters which this committee maturely considered and desires shall be adopted;

Now, in pursuance to an understanding and agreement with the chairman of that committee, your Committee on the Legislative Department instruct me to report and recommend for adoption the following additional restrictions upon the power of the Legislature to enact, local, special or private laws to come in after the words "public officers" in subdivision 26 of Section 1 of the article already reported by said committee, to-wit:

Twenty-seventh—Exemption of property from taxation or from levy or sale.

Twenty-eighth—Exempting any person from jury, road or other civil duty.

Twenty-ninth—Laying out, opening, altering, or working roads or highways.

Thirtieth—Providing for the management or support of any common or private school, incorporating the same or granting such school any privileges.

Thirty-first—Granting any land owned by or under control of the State, to any person or corporation.

Thirty-second—Remitting fines, penalties or forfeitures.

Thirty-third—Providing for the conduct of elections, or designating places of voting, or changing the boun-

daries of wards, precincts, districts, except on the organization of new counties.

Thirty-fourth—Restoring the right to vote to persons convicted of infamous crimes or involving moral turpitude.

Thirty-fifth—Refunding money legally paid into the State Treasury.

Your committee do not concur in Section 5 of said Article as reported by the Committee on Local Legislation, and recommends as a substitute therefor Section 25 of Article IV of the present Constitution.

Respectfully submitted,

WM. C. OATES, *Chairman*.

#### MUNICIPAL CORPORATIONS.

Mr. Weakley, chairman of the Committee on Municipal Corporations, submitted the following report: .

#### REPORT OF THE COMMITTEE ON MUNICIPAL CORPORATIONS.

*Mr. President :*

The Committee on Municipal Corporations instruct me to make the following report :

After mature consideration of all the ordinances submitted to them, they herewith report the attached article, which they recommend shall be adopted by this Convention as Article — of the new Constitution, under the caption of "Municipal Corporations."

All ordinance referred to this committee are herewith returned.

Respectfully submitted,

JOHN B. WEAKLEY, *Chairman*.

#### ARTICLE —

#### MUNICIPAL CORPORATIONS.

Section 1. All municipal corporations shall have the right to sue and shall be subject to be sued in all courts in like manner as natural persons.

Sec. 2. Municipal corporations shall be invested with the privilege of taking private property for public use, but shall make just compensation for property taken, injured or destroyed by the construction or enlargements of its works, highways, or improvements, which compensation shall be paid before such taking, injury or destruction. The General Assembly is hereby prohibited from depriving any person of an appeal from any preliminary assessment of damages against any such municipal corporation made by viewers or otherwise; and the amount of such damages in all cases of appeal shall on demand of either party be determined by a jury according to law.

Sec. 3. The General Assembly shall have power to establish, alter, enlarge or diminish the boundaries of any city, town or village in this State, but notice of such intended change shall be given by publication in some newspaper published in the village, town or city to be affected, for thirty days prior to the meeting of the General Assembly; if no newspaper is published in said city, town or village then said notice shall be given by posting copy thereof at three public places in said city, town or village, and said notice shall be spread upon the Journal of the House in which the bill proposing such change is introduced.

Sec. 4. No city, town or village shall be authorized or permitted to grant any franchise or privilege or make any contract in reference thereto for a term exceeding twenty years, nor shall any city, town or village grant any right of way over or right to use any street or public way or part thereof except to the person or corporation offering the highest sum therefor or the highest percentage of gross annual receipts, to be derived from the business so using the right of way or street or public place. No such privilege shall be granted until the applicant therefor shall have given notice by publication for thirty days in some newspaper published in the city, town or village, of his intention to ask for such franchise, and the date upon which such application shall be made and the person, firm, association or corporation to whom such franchise is granted

shall be liable for any damage inflicted upon the property of abutting proprietors.

Sec. 5. No street railway, gas, water, steam or hot water heating, telephone, telegraph, electric light or power company within a city, town or village, shall be permitted or authorized to construct its tracks or mains or erect its poles, posts or other apparatus or string its wires upon the same, along, over, under or across the streets, avenues, alleys or public grounds of such city, town or village, without the consent of the proper municipal authorities of such city, town or village being first had and obtained.

Sec. 6. The General Assembly shall not enact any law which will permit a person, firm, corporation or association of any character to pay a privilege license or other tax to the State of Alabama, and relieve him or it from the payment of all other privilege and license taxes in the State.

Sec. 7. No county, city, town, village, district or other political subdivision of a county shall have authority or be authorized by the General Assembly, after the ratification of this Constitution, to issue bonds, unless such issue of bonds shall have first been approved by a majority vote by ballot of the qualified voters of such county, city, town, village, district, or other political subdivision of a county, voting upon such proposition. In determining the result of any election held for this purpose, no vote shall be counted as an affirmative vote which does not show on its face that such vote was cast in approval of such issue of bonds. This section shall not apply to the renewal, refunding or reissue of bonds lawfully issued, nor prevent the issuance of bonds in cases where the same have been authorized by laws enacted prior to the ratification of this Constitution, nor shall this section apply to obligations incurred or bonds to be issued to procure means to pay for street and sidewalk improvement, or sanitary or storm water sewers, the cost of which is to be assessed against the property abutting said improvements or drained by such sanitary or storm water sewers.

Sec. 8. That no city, town or village shall hereafter become indebted for any purpose or in any manner to an amount which, including existing indebtedness, shall exceed 7 per centum of the assessed valuation of the real and personal property within said city, town or village, subject to taxation, as shown by the last preceding assessment for State and county purposes; provided, however, that in determining the limitation of the power of such city, town or village to incur indebtedness there shall not be included the following class of indebtedness, to-wit:

(a) Notes, certificates of indebtedness or revenue bonds issued in anticipation of the collection of taxes, unless the same be not paid within two years from the date of such issue, and all such notes, certificates of indebtedness and revenue bonds shall be provided for, and made payable from the taxes levied for the year in which they are issued, and shall never exceed the amount of such taxes.

(b) Bonds issued for the purpose of purchasing or otherwise providing for a supply of water or for the construction or installation of sanitary sewers, or for the extension of either of the same.

(c) Obligations incurred and bonds issued to procure means to pay for street or sidewalk improvements or storm water sewers, the cost of which is to be assessed against the property abutting or drained by such sewers.

(d) Debts created for the preservation of the public health.

(e) Debts existing on the 6th day of December, 1875, or any obligation issued to renew or refund the same.

Sec. 9. No city, town or village whose present indebtedness exceeds the limitations herein imposed shall be allowed to become indebted in any further amount until such indebtedness shall be reduced within such limit; provided however, that nothing herein contained shall prevent any municipality from issuing bonds in renewal or for the refunding of obligations already existing.

Sec. 10. The General Assembly shall provide by general laws for the organization and classification of cities,

towns and villages; the number of such classes shall not exceed four, and the powers of each class shall be defined by general laws so that all municipal corporations of the same class shall possess the same powers and be subject to the same restrictions.

The General Assembly shall assign the cities, towns and villages of the State to the class to which they respectively belong, and change assignments made as populations of such cities, towns and villages increase or decrease, and in the absence of other satisfactory information as to their population, the General Assembly shall be governed by the last preceding Federal census; provided, however, that any city, town or village in Alabama may in the year 1905, and every ten years thereafter, cause a census of all its inhabitants to be taken, and the General Assembly may change the classification of such city, town or village according to the result of such census.

Any city having a population of more than twenty thousand inhabitants may frame a charter for its own government, not in conflict with this Constitution, whenever the Mayor, authorized by a majority vote of the legislative body of such city, shall have made application to the Judge of the Circuit Court for the appointment of the Board, to be composed of nine qualified electors, who shall have been for at least five years residents of such city. If the Judge of the Circuit Court is a non-resident of the county in which said city is located, then such application may be made to the Judge of any State court of record of general common law jurisdiction, residing in such county, and the said application and the appointments made thereon shall be entered of record by the clerk of such court.

Said Board shall within ninety days after such appointment return to the chief magistrate of such city the draft of such charter signed by a majority of said Board within thirty days thereafter, such proposed charter shall be submitted to the qualified voters of such city at a special election to be called by the Mayor, and if a majority of such qualified voters voting thereat shall ratify the same, it shall, at the end of thirty days



thereafter become the charter of such city, and supersede any existing charter or amendments thereto, and all special acts of the General Assembly relating to the corporate organization or government of such city other than laws securing and enforcing the payment of the debts of such city.

A duplicate certificate shall be made setting forth the charter proposed, and its ratification, which shall be signed by the chief magistrate of such city, and be authenticated by its corporate seal; one of such certificates shall be deposited in the office of the Secretary of State, and the other shall be deposited among the archives of such city, and all courts shall take judicial notice of such charter. Such charter so adopted may be amended at intervals of not less than four years by proposals therefor, submitted by the legislative authority of the city to the qualified voters thereof at a general or special election, held at least thirty days after the publication of such proposals in two newspapers of said city, and ratified by a majority of the qualified voters voting thereat. In any such charter or amendments thereto any alternative article or proposition may be presented for the choice of the voters, and may be voted on separately without prejudice to the others.

Sec. 11. No city, town, village or other municipal corporation other than provided for in this article shall levy or collect a higher rate of taxation in one year on the property situated therein than one-half of one percentum of the value of such property as assessed for State taxation during the preceding year; provided, that for the purpose of paying debts existing on the sixth day of December, 1875, and the interest thereon, a tax of one percentum may be levied and collected, to be applied exclusively to the payment of such indebtedness, and provided further that this section shall not apply to the city of Mobile, which city may from and after the ratification of this Constitution, levy a tax not to exceed the rate of three-fourths of one percentum, to pay the expenses of the city government, and may also levy a tax not to exceed three-fourths of one per centum to pay the debt existing on the sixth day of December,

1875, with the interest thereon, or any renewal of such debt; and provided further, that this section shall not apply to the cities of Birmingham and Huntsville, which cities may levy and collect a tax not to exceed one-half of one per centum in addition to the tax of one-half of one percentum as hereinabove allowed to be levied and collected, such special tax to be applied exclusively to the payment of interest on the bonds of said cities of Birmingham and Huntsville, as heretofore issued in pursuance of law, and for a sinking fund to pay off said bonds at the maturity thereof.

And provided further, that this section shall not apply to the cities of Troy, Attala, Gadsden, Bessemer, Woodlawn and Florence, which cities may from and after the ratification of this Constitution, levy and collect an additional tax not exceeding one-half of one percentum per annum, but this additional tax shall not be levied unless authorized by a majority vote of the qualified electors voting at a special election held for the purpose of ascertaining whether or not said tax shall be levied.

#### MINORITY REPORT.

The undersigned, a member of the Committee on Municipal Corporations, does not concur with the majority of the committee in the report submitted, and therefore moves to strike out the tenth section of the report, and respectively offers the following substitute in lieu thereof:

The General Assembly shall have authority to incorporate cities, towns and villages by a general law which shall grant to all municipalities the same powers, rights and privileges, and shall not discriminate between municipalities in the powers, rights and privileges granted, on account of population, situation, condition, the pursuits of the people, or for any reason whatever. The General Assembly shall grant to no municipality or community the right to establish or amend its own charter, but all municipal charters shall be granted or amended by special law or formed under a general law

equally applicable to all communities; provided, that no charter or amendment thereof shall be valid, until it shall be accepted or ratified by a majority of the qualified electors residing within the limits of such municipality, and voting at an election held for that purpose.

J. W. A. SANFORD.

Mr. Weakley, chairman of the Committee on Municipal Corporations, asked unanimous consent that resolution No. 23, "That the rate of taxation relative to the State, counties and municipalities, as fixed by the present Constitution, shall remain unchanged," be recommended to the Committee on Municipal Corporations.

Also an ordinance No. 183, and 186, "To regulate the organization and classification of cities and towns,"

Ordinance 186, "To provide for the organization, classification and government of villages, towns and cities in Alabama."

The resolution No. 23 and ordinances Nos. 183 and 186, were recommitted to the Committee on Municipal Corporations.

#### RECONSIDERATION.

Mr. Wilson, of Washington, moved to reconsider the vote by which Section 30 of the ordinance "To create and define the Executive Department" was adopted.

The motion prevailed: Yes, 69; nays, 24.

#### YEAS.

Messrs. President,  
Ashcraft,  
Barefield,  
Beavers,  
Boone,  
Burnett,  
Burns,  
Byars,  
Cardon,

Carmichael (Coffee),  
Carnathon,  
Chapman,  
Davis (DeKalb),  
Davis (Etowah),  
Fitts,  
Foshee,  
Foster,  
Freeman,

Gilmore,  
 Glover,  
 Graham (Montgomery),  
 Grant,  
 Grayson,  
 Haley,  
 Henderson,  
 Hinson,  
 Howell,  
 Jenkins,  
 Jones (Montgomery),  
 Jones (Wilcox),  
 Knight,  
 Kyle,  
 Leigh,  
 Lomax,  
 Long (Butler),  
 Lowe (Jefferson),  
 Macdonald,  
 McMillan (Baldwin),  
 McMillan (Wilcox),  
 Martin,  
 Miller (Marengo),  
 Miller (Wilcox),  
 Moody,  
 Morrisette,

Murphree,  
 Norman,  
 Norwood,  
 Parker (Elmore),  
 Pearce,  
 Pettus,  
 Reese,  
 Robinson,  
 Rogers (Sumter),  
 Samford,  
 Sanders,  
 Sanford,  
 Searcy,  
 Sentell,  
 Smith, Mac. A.  
 Sollie,  
 Tayloe,  
 Thompson,  
 Vaughan,  
 Waddell,  
 Walker,  
 Weatherly,  
 Williams (Marengo),  
 Wilson (Clarke),  
 Wilson (Washington)—69.

NAYS.

Messrs. Beddow,  
 Case,  
 deGraffenried,  
 Espy,  
 Howze,  
 Jones (Bibb),  
 Kirk,  
 Kirkland,  
 Malone,  
 Mulkey,  
 NeSmith,  
 Oates,

Phillips,  
 Pitts,  
 Porter,  
 Reynolds (Henry),  
 Sloan,  
 Spears,  
 Watts,  
 Weakley,  
 White,  
 Whiteside,  
 Willett,  
 Willaims (Barbour)—24.

Mr. Wilson, of Washington, moved to reconsider the vote by which the amendment to Section 30, offered by Mr. deGraffenried, was adopted.

Amend Section 30 by striking therefrom the words "such office as his own successor," in the third line, and insert therein, in lieu thereof the following: "To election or appointment to any office under this State for one year after the expiration of his term."

The motion prevailed.

Mr. Wilson, of Washington, moved to table the amendment offered by Mr. deGraffenried, and the motion prevailed, and the amendment was laid upon the table.

Mr. deGraffenried thereupon gave notice that on tomorrow he would move to take the amendment from the table.

Mr. Jones, of Montgomery, moved that Section 30, as previously reported by the committee, and as amended be adopted, and the motion prevailed, and Section 30 was adopted.

#### SECTION TWELVE.

Mr. Jones, of Montgomery, asked unanimous consent to offer an amendment to Section 12 of the ordinance "To create and define the Executive Department."

Unanimous consent was granted.

Mr. Jones, of Montgomery, offered the following amendment to Section 12, which was read at length:

To amend Section 12 by adding after the word "pardons" in the third line of printed ordinance, the following words, to-wit: "Except in cases of impeachment," and also by striking out the words "except in cases of impeachment" in the sixth line of the printed ordinance after the words "in cases of felony."

On motion of Mr. Jones, of Montgomery, the amendment was adopted.

Mr. Fitts offered the following amendment to the ordinance "To create and define the Executive Department:"

Amend the report of the Committee on Executive Department by adding to Article V a section to read as follows:

If the session of the General Assembly next after the ratification of this Constitution shall enact a law increasing the salary of the Governor, such increase shall become effective and applied to the first Governor elected after the ratification of this Constitution.

Mr. Cobb offered the following amendment to the amendment offered by Mr. Fitts:

Add the words at the proper place "if the General Assembly shall so determine."

The amendment to the amendment offered by Mr. Cobb was adopted.

The amendment of Mr. Fitts, as amended, was there-upon adopted: Yeas, 72; nays, 43.

YEAS.

Messrs. President,	Heflin (Chambers),
Banks,	Heflin (Randolph),
Barefield,	Hinson,
Beavers,	Howell,
Beddow,	Howze,
Bethune,	Inge,
Boone,	Jackson,
Brooks,	Jones (Bibb),
Browne,	Jones (Hale),
Burnett,	Jones (Montgomery),
Cobb,	Jones (Wilcox),
Davis (Etowah),	Kirk,
Dent,	Knight,
deGraffenreid,	Kyle,
Duke,	Leigh,
Eyster,	Locklin,
Espy,	McMillan (Baldwin),
Ferguson,	McMillan (Wilcox),
Fitts,	Martin,
Gilmore,	Merrill,
Graham (Montgomery),	Morrisette,
Graham (Talladega),	Murphree,
Grant,	Norman,
Greer (Calhoun),	Norwood,
Haley,	Oates,

O'Neill (Jefferson),  
 Palmer,  
 Parker (Cullman),  
 Pitts,  
 Proctor,  
 Reese,  
 Robinson,  
 Samford,  
 Sanders,  
 Sanford,  
 Searcy,

Smith (Mobile),  
 Tayloe,  
 Thompson,  
 Vaughan,  
 Waddell,  
 Watts,  
 Weakley,  
 Willett,  
 Wilson (Clarke),  
 Williams (Marengo),  
 Wilson (Washington)—72.

## NAYS.

Messrs. Ashcraft,  
 Bartlett,  
 Blackwell,  
 Bulger,  
 Burns,  
 Byars,  
 Cardon,  
 Carmichael (Coffee),  
 Carnathan,  
 Case,  
 Chapman,  
 Davis (DeKalb),  
 Foshee,  
 Freeman,  
 Glover,  
 Grayson,  
 Handley,  
 Henderson,  
 Jenkins,  
 Kirkland,  
 Lowe (Lawrence),  
 Macdonald,

Malone,  
 Miller (Marengo),  
 Moody,  
 Mulkey,  
 NeSmith,  
 Opp,  
 O'Rear,  
 Parker (Elmore),  
 Pearce,  
 Pettus,  
 Phillips,  
 Porter,  
 Reynolds (Henry),  
 Rogers (Sumter),  
 Sloan,  
 Smith, Mac. A.,  
 Sollie,  
 Spears,  
 Weatherly,  
 Whiteside,  
 Williams (Barbour)—43.

## RECONSIDERATION.

Mr. Vaughan gave notice that he had voted yea, and would on to-morrow move to reconsider the vote by which the amendment was adopted.

Mr. Blackwell offered the following amendment to the ordinance "To create and define the Executive Department:"

To amend the report of the Committee on Executive Department by adding Section 31, which is as follows:

Sec. 31. That when vacancies happen by resignation or otherwise in any county office, the Governor shall make temporary appointments until the next election, at which members of the General Assembly are elected, and at such election the qualified electors by a direct vote shall fill such vacancy or vacancies.

Mr. deGraffenried offered the following substitute for the amendment offered by Mr. Blackwell:

Sec. 31. The Court of County Commissioners shall have authority, when any vacancy occurs in any county office, to appoint some qualified elector of such county to perform the duties of such office until the next general election by the people, when the people voting at such election shall elect some qualified elector to such office, who shall hold said office during the unexpired term and until his successor is duly elected and qualified.

Mr. Heflin, of Randolph, moved to table the substitute offered by Mr. deGraffenried.

The motion prevailed, and the substitute was tabled.

Mr. Samford moved to table the amendment offered by Mr. Blackwell, and the motion prevailed, and the amendment was laid upon the table.

Mr. Burns offered the following amendment to the ordinance "To create and define the Executive Department:"

Amend by adding as Section 31:

In case any Sheriff, or his deputy, or any member of his posse be killed, or permanently disabled while discharging his duty in defending a prisoner in his charge, the General Assembly shall provide for the maintenance of those who were dependent upon the person killed or disabled.

The amendment was lost.



## RECONSIDERATION.

Mr. Jones, of Montgomery, changed his vote from yea to no, and gave notice that on to-morrow he would move to reconsider the vote by which the amendment was lost.

## ORDINANCE ON THIRD READING.

Mr. Samford moved that the ordinance "To create and define the Executive Department" be ordered to a third reading.

The motion prevailed.

Mr. Reese moved that the further consideration of the third reading of the ordinance be postponed until to-morrow immediately after the approval of the Journal. The motion prevailed.

## RECESS.

The hour of 1 o'clock p. m. having arrived, the Convention took a recess until 3 o'clock p. m.

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## AFTERNOON SESSION.

The Convention met pursuant to adjournment.

## ROLL CALL.

On a call of the roll of the Convention the following delegates answered to their names, which constituted a quorum :

Messrs. President,  
Almon,  
Ashcraft,  
Banks,  
Barefield,  
Bartlett,

Beavers,  
Beddow,  
Bethune,  
Blackwell,  
Brooks,  
Bulger,

Burnett,  
Burns,  
Byars,  
Cardon,  
Carmichael (Colbert),  
Carmichael (Coffee),  
Carnathon,  
Case,  
Chapman,  
Cobb,  
Davis (Etowah),  
Dent,  
deGraffenried,  
Eyster,  
Ferguson,  
Foshee,  
Foster,  
Freeman,  
Glover,  
Graham (Talladega),  
Grayson,  
Greer (Calhoun),  
Haley,  
Harrison,  
Heflin (Chambers),  
Heflin (Randolph),  
Henderson,  
Hinson,  
Hodges,  
Howze,  
Inge,  
Jackson,  
Jenkins,  
Jones (Bibb),  
Jones (Hale),  
Jones (Montgomery),  
Jones (Wilcox),  
Kirk,  
Kirkland,  
Knight,  
Kyle,

Leigh;  
Lomax,  
Long (Butler),  
Long (Walker),  
McMillan (Baldwin),  
Malone,  
Martin,  
Maxwell,  
Merrill,  
Miller (Marengo),  
Miller (Wilcox),  
Moody,  
Morrisette,  
Mulkey,  
Murphree,  
NeSmith,  
Norman,  
Norwood,  
Oates,  
O'Neill (Jefferson),  
Opp,  
O'Rear,  
Palmer,  
Parker (Cullman),  
Parker (Elmore),  
Pearce,  
Pettus,  
Phillips,  
Pitts,  
Porter,  
Proctor,  
Reese,  
Reynolds (Chilton),  
Reynolds (Henry),  
Robinson,  
Rogers (Sumter),  
Samford,  
Sanders,  
Sanford,  
Searcy,  
Sloan,

Smith (Mobile),  
Smith, Mac. A.,  
Sollie,  
Sorrell,  
Spears,  
Tayloe,  
Thompson,  
Vaughan,  
Waddell,

Walker,  
Weakley,  
Weatherly,  
White,  
Whiteside,  
Williams (Barbour),  
Wilson (Clarke),  
Wilson (Washington).  
Winn—112.

#### LEAVE OF ABSENCE.

Was granted to Mr. Macdonald for the afternoon; to Mr. Cofer for to-day; and to Mr. Davis, of Etowah, for to-morrow.

#### REPORT OF THE COMMITTEE ON TAXATION.

The Convention proceeded to the consideration of the article on Taxation, reported by the Committee on Taxation.

Section 1 of the Article XI on Taxation, reported by the Committee on Taxation, was read at length as follows:

Section 1. All taxes levied on property in this State shall be assessed in exact proportion to the value of such property, but no tax shall be assessed upon any debt for rent or hire of real or personal property while owned by the landlord or hirer during the current year of such rental or hire, and when such real or personal property is assessed at its full value; provided, however, the General Assembly may levy a poll tax, not to exceed one dollar and fifty cents on each poll, which shall be applied exclusively in aid of the public school fund in the county so paying the same.

Mr. Samford offered the following amendment to Section 1, which was read at length:

Add in fifth line, Section 1, after the word "value:" And no license or other tax shall ever be imposed for the inspection of any article of merchandise used for fertilizers.

## ADJOURNMENT.

Pending the further consideration of the amendment to Section 1, and the article, the hour of 5 p. m. arrived and under the rules the Convention adjourned until to-morrow morning at 10 o'clock.

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## TWENTY-NINTH DAY.

## CONVENTION HALL.

Montgomery, Ala., Tuesday, June 25, 1901.

The Convention met pursuant to adjournment.  
Prayer was offered by the Rev. Mr. Elliott of the city.

## ROLL CALL.

On a call of the roll of the Convention the following delegates answered to their names, which constituted a quorum :

Messrs. President,  
Almon,  
Altman,  
Ashcraft,  
Banks,  
Barefield,  
Bartlett,  
Beavers,  
Beddow,  
Bethune,  
Blackwell,  
Boone,  
Brooks,  
Browne,  
Bulger,  
Burnett,  
Burns,

Byars,  
Cardon,  
Carmichael (Colbert),  
Carmichael (Coffee),  
Carnathon,  
Case,  
Chapman,  
Cobb,  
Coleman (Greene),  
Coleman (Walker),  
Cornwell,  
Craig,  
Cunningham,  
Davis (DeKalb),  
Dent,  
deGraffenried,  
Duke,

Eyster,	Lowe (Lawrence),
Espy,	Macdonald,
Fitts,	McMillan (Baldwin),
Fletcher,	McMillan (Wilcox),
Foshee,	Malone,
Foster,	Martin,
Freeman,	Maxwell,
Gilmore,	Merrill,
Glover,	Miller (Marengo),
Graham (Montgomery),	Miller (Wilcox),
Graham (Talladega),	Moody,
Grant,	Morrisette,
Grayson,	Mulkey,
Greer (Calhoun),	Murphree,
Greer (Perry),	NeSmith,
Haley,	Norman,
Handley,	Norwood,
Harrison,	O'Neill (Jefferson),
Heflin (Chambers),	Opp,
Heflin (Randolph),	O'Rear,
Henderson,	Palmer,
Hinson,	Parker (Cullman),
Hodges,	Parker (Elmore),
Hood,	Pearce,
Howell,	Pettus,
Howze,	Phillips,
Inge,	Pillans,
Jackson,	Pitts,
Jones (Bibb),	Porter,
Jones (Hale),	Proctor,
Jones (Montgomery),	Reese,
Jones (Wilcox),	Reynolds (Chilton),
Kirk,	Reynolds (Henry),
Kirkland,	Robinson,
Knight,	Rogers (Lowndes),
Kyle,	Rogers (Sumter),
Ledbetter,	Samford,
Leigh,	Sanders,
Lomax,	Sanford,
Long (Butler),	Searcy,
Lowe (Jefferson),	Selheimer,

Sentell,  
Sloan,  
Smith (Mobile),  
Smith, Mac. A.,  
Sollie,  
Sorrell,  
Spears,  
Spragins,  
Stewart,  
Tayloe,  
Thompson,  
Vaughan,  
Waddell,

Walker,  
Watts,  
Weakley,  
Weatherly,  
White,  
Whiteside,  
Willett,  
Williams (Barbour),  
Williams (Marengo),  
Wilson (Clarke).  
Wilson (Washington).  
Winn—141.

#### LEAVE OF ABSENCE.

Was granted to Messrs. Cornwell for yesterday; Ne-Smith for to-day and to-morrow; Renfro for to-day; Cofer for yesterday; Maxwell for yesterday and to-day; Greer, of Perry, for to-day.

#### REPORT OF COMMITTEE ON JOURNAL.

The chairman of the Committee on the Journal submitted the following report:

The Committee on the Journal beg leave to report that they have examined the Journal for the twenty-eighth day of the Convention, and that the same is correct.

Respectfully submitted,

JOHN F. PROCTOR, *Chairman.*

The report of the committee was concurred in.

#### STENOGRAPHIC REPORT.

Messrs. White, Dent and Blackwell called the attention of the Convention to certain errors in the stenographic report of the proceedings yesterday.

The report was ordered corrected.

## RESOLUTIONS.

The following resolutions were offered, severally read one time at length, and referred to appropriate committees as follows:

Resolution No. 187, by Mr. Bulger:

Resolved, That the articles to be adopted by the Convention as a part of the Constitution shall be taken up and considered by the Convention in the order in which they are reported by the committee to which they have been referred.

The resolution was referred to the Committee on Rules.

Resolution 188, by Mr. Carmichael, of Coffee:

Be it resolved, That the Secretary of State is hereby authorized and instructed to contract for the printing and binding of 1,000 copies of the Journal of this Convention.

Be it further resolved, That the printing and binding shall be done in the same manner and under the same law as that of the House and Senate Journals, and that the printing and binding shall be paid for out of the State appropriation for printing and binding.

The resolution was referred to the Committee on Schedule, Printing and Incidental Expenses.

Resolution 189, by Mr. Cobb:

All errors in the stenographic report will be privately called to the attention of the reporter, who is directed to make necessary corrections.

The resolution was referred to the Committee on Rules.

Resolution 190, by Mr. Jones, of Wilcox:

Resolved, That it is the sense of this Convention that no amendment should be proposed by any delegate to an article or articles of the Constitution, as reported by a committee, when such amendment could be enacted into a law by the General Assembly of Alabama.

The resolution was referred to the Committee on Rules.

## ORDINANCES ON FIRST READING.

The following ordinances were introduced by unanimous consent, severally read one time at length, and referred to appropriate committees, as follows:

Ordinance No. 398, by Mr. Rogers, of Lowndes:

An ordinance amending Section 17 of Article XIV of the Constitution, relating to Banking.

The ordinance was referred to the Committee on Banks and Banking.

Ordinance No. 399, by Mr. Kyle (by request):

To provide for the formation or creation of private corporations in the State of Alabama.

The ordinance was referred to the Committee on Corporations.

Ordinance No. 400, by Mr. Thompson:

To provide for a tax on collateral inheritances.

The ordinance was referred to the Committee on Taxation.

Ordinance No. 401, by Mr. Long, of Walker:

Relative to removing the State Capitol from Montgomery to Birmingham.

The ordinance was referred to the Committee on Order, Consistency and Harmony of the Constitution.

## RECONSIDERATION.

Mr. Jones, of Montgomery, moved to reconsider the vote by which the amendment offered by Mr. Burns to the ordinance "To create and define the Executive Department," was lost on yesterday.

The motion prevailed, and the vote was reconsidered: Yeas, 82; nays, 50.

## YEAS.

Messrs. Almon,  
Ashcraft,  
Banks,  
Barefield,  
Bartlett,

Beavers,  
Beddow,  
Blackwell,  
Brooks,  
Browne,



Burnett,  
 Bulger,  
 Burns,  
 Byars,  
 Carmichael (Coffee),  
 Case,  
 Cornwell,  
 Cunningham,  
 deGraffenried,  
 Duke,  
 Fletcher,  
 Foshee,  
 Foster,  
 Freeman,  
 Gilmore,  
 Graham (Montgomery),  
 Graham (Talladega),  
 Grant,  
 Grayson,  
 Haley,  
 Hinson,  
 Hood,  
 Howell,  
 Jackson,  
 Jenkins,  
 Jones (Bibb),  
 Jones (Montgomery),  
 Jones (Wilcox),  
 Kirkland,  
 Knight,  
 Kyle,  
 Leigh,  
 Macdonald,  
 McMillan (Baldwin),  
 McMillan (Wilcox),  
 Malone,

Martin,  
 Maxwell,  
 Miller (Marengo),  
 Morrisette,  
 Mulkey,  
 Murphree,  
 Norman,  
 Norwood,  
 O'Neill (Jefferson),  
 O'Rear,  
 Palmer,  
 Parker (Cullman),  
 Pettus,  
 Porter,  
 Proctor,  
 Reese,  
 Reynolds (Chilton),  
 Rogers (Lowndes),  
 Sanford,  
 Searcy,  
 Selheimer,  
 Sloan,  
 Smith, Mac. A.,  
 Sorrell,  
 Spears,  
 Tayloe,  
 Thompson,  
 Watts,  
 Weakley,  
 Weatherly,  
 White,  
 Whiteside,  
 Willett,  
 Williams (Marengo),  
 Wilson (Washington),  
 Winn—82.

## NAYS.

Messrs. President,  
 Altman,

Boone,  
 Bethune,

Cardon,	Lowe (Lawrence),
Carmichael (Colbert),	Merrill,
Carnathon,	Miller (Wilcox),
Chapman,	Moody,
Cobb,	Oates,
Coleman (Walker),	Opp,
Craig,	Parker (Elmore),
Davis (DeKalb),	Pearce,
Dent,	Phillips,
Espy,	Pillans,
Ferguson,	Pitts,
Glover,	Reynolds (Henry),
Greer (Calhoun),	Robinson,
Handley,	Rogers (Sumter),
Harrison,	Samford,
Heflin (Chambers),	Sanders,
Heflin (Randolph),	Smith (Mobile),
Henderson,	Sollie,
Howze,	Spragins,
Inge,	Stewart,
Jones (Hale),	Waddell,
Kirk,	Walker,
Locklin,	Williams (Barbour)—50.

Mr. Jones, of Montgomery, offered the following substitute for the amendment offered by Mr. Burns:

Substitute for proposed Section 31, of Article on Executive Department:

Sec. 31. It shall be the duty of the General Assembly to make adequate provision for dependent members of the family of any Sheriff, Deputy Sheriff, or member of any posse who may be killed, or permanently injured, in defending any prisoner in the custody of the law.

Mr. Heflin, of Chambers, moved to table the substitute offered by Mr. Jones, of Montgomery.

The motion to table was lost: Yes, 48; nays, 83.

## YEAS.

Messrs. President,	Jones (Hale),
Altman,	Kirk,
Bethune,	Lowe (Lawrence),
Boone,	Merrill,
Cardon,	Miller (Wilcox),
Carmichael (Colbert),	Moody,
Carnathon,	Oates,
Chapman,	Opp,
Coleman (Walker),	Parker (Elmore),
Craig,	Pearce,
Davis (DeKalb),	Phillips,
Dent,	Pitts,
Espy,	Reynolds (Henry),
Ferguson,	Robinson,
Foshee,	Rogers (Sumter),
Glover,	Sanders,
Greer (Calhoun),	Smith (Mobile),
Handley,	Sollie,
Harrison,	Spragins,
Heflin (Chambers),	Vaughan,
Heflin (Randolph),	Waddell,
Henderson,	Walker,
Howze,	Williams (Barbour),
Inge,	Wilson (Clarke)—48.

## NAYS.

Messrs. Almon,	Byars,
Ashcraft,	Carmichael (Coffee),
Banks,	Case,
Barefield,	Cobb,
Bartlett,	Cornwell,
Beavers,	Cunningham,
Beddow,	deGraffenried,
Blackwell,	Duke,
Brooks,	Evster,
Bulger,	Fletcher,
Burnett,	Foster,
Burns,	Gilmore,

Graham (Montgomery),	O'Neill (Jefferson),
Graham (Talladega),	O'Rear,
Grant,	Palmer,
Grayson,	Parker (Cullman),
Haley,	Pettus,
Hinson,	Pillans,
Hood,	Porter,
Howell,	Proctor,
Jackson,	Reese,
Jenkins,	Reynolds (Chilton),
Jones (Bibb),	Rogers (Lowndes),
Jones (Montgomery),	Sanford,
Jones (Wilcox),	Searcy,
Kirkland,	Selheimer,
Knight,	Sloan,
Kyle,	Smith, Mac. A.,
Leigh,	Sorrell,
Locklin,	Spears,
Long (Walker),	Tayloe,
Macdonald,	Thompson,
McMillan (Baldwin),	Watts,
McMillan (Wilcox),	Weakley,
Malone,	Weatherly,
Martin,	White,
Miller (Marengo),	Whiteside,
Morrisette,	Willetts,
Mulkey,	Williams (Marengo),
Murphree,	Wilson (Washington).
Norman,	Winn—83.
Norwood,	

Mr. Jones, of Montgomery, moved that the substitute be adopted.

The motion prevailed, and the substitute was adopted.

Mr. Cobb offered the following amendment to the substitute offered by Mr. Jones, of Montgomery:

Strike out the words "it shall be the duty," and insert "it shall be in the power of the General Assembly."

Mr. Barefield moved to table the amendment offered by Mr. Cobb.

The motion to table was lost: Yeas, 60; nays, 73.

## YEAS.

Messrs. Ashcraft,	Leigh,
Banks,	Macdonald,
Barefield,	McMillan (Baldwin),
Beddow,	McMillan (Wilcox),
Blackwell,	Malone,
Brooks,	Martin,
Burnett,	Morrisette,
Burns,	Mulkey,
Byars,	Norman,
Carmichael (Coffee),	Norwood,
Case,	O'Rear,
Cunningham,	Palmer,
deGraffenried,	Parker (Cullman),
Duke,	Pettus,
Eyster,	Porter,
Fitts,	Reynolds (Chilton),
Foster,	Rogers (Lowndes),
Gilmore,	Selheimer,
Graham (Montgomery),	Smith, Mac. A.,
Graham (Talladega),	Sorrell,
Grayson,	Spears,
Hinson,	Thompson,
Hood,	Watts,
Howell,	Weakley,
Jackson,	White,
Jenkins,	Whiteside,
Jones (Montgomery),	Willetts,
Jones (Wilcox),	Williams (Marengo),
Knight,	Wilson (Washington),
Kyle,	Winn—60.

## NAYS.

Messrs. President,	Cardon,
Altman,	Carmichael (Colbert),
Bartlett,	Bethune,
Beaver,	Boone,

Browne,  
 Bulger,  
 Carnathon,  
 Chapman,  
 Cobb,  
 Cofer,  
 Coleman (Greene),  
 Coleman (Walker),  
 Cornwell,  
 Craig,  
 Davis (DeKalb),  
 Dent,  
 Espy,  
 Ferguson,  
 Fletcher,  
 Foshee,  
 Freeman,  
 Glover,  
 Grant,  
 Greer (Calhoun),  
 Haley,  
 Handley,  
 Harrison,  
 Heflin (Chambers),  
 Heflin (Randolph),  
 Henderson,  
 Howze,  
 Inge,  
 Jones (Bibb),  
 Jones (Hale),  
 Kirk,  
 Kirkland,  
 Locklin,

Long (Walker),  
 Merrill,  
 Miller (Marengo),  
 Miller (Wilcox),  
 Moody,  
 Murphree,  
 Oates,  
 O'Neal (Lauderdale),  
 O'Neill (Jefferson),  
 Opp,  
 Parker (Elmore),  
 Pearce,  
 Phillips,  
 Pillans,  
 Pitts,  
 Procter.  
 Reynolds (Henry),  
 Robinson,  
 Rogers (Sumter),  
 Samford,  
 Sanders,  
 Sanford,  
 Searcy,  
 Smith (Mobile),  
 Sollie,  
 Spragins,  
 Vaughan,  
 Waddell,  
 Walker,  
 Weatherly,  
 Williams (Barbour),  
 Wilson (Clarke)—73.

Mr. Weatherly moved to table Section 31, and the pending amendment.

The motion was lost: Yeas, 62; nays, 73.

## YEAS.

Messrs. President,	Jones (Hale),
Altman,	Kirk,
Bethune,	Kirkland,
Boone,	Locklin,
Bulger,	Long (Walker),
Cardon,	Merrill,
Carmichael (Colbert),	Miller (Wilcox),
Carnathon,	Moody,
Chapman,	Oates,
Cobb,	O'Neal (Lauderdale),
Cofer,	Opp,
Coleman (Greene),	Parker (Elmore),
Coleman (Walker),	Pearce,
Craig,	Phillips,
Davis (DeKalb),	Pillans,
Dent,	Pitts,
Duke,	Reynolds (Henry),
Espy,	Robinson,
Ferguson,	Rogers (Sumter),
Fletcher,	Sanders,
Glover,	Sanford,
Greer (Calhoun),	Searcy,
Haley,	Smith (Mobile),
Handley,	Sollie,
Harrison,	Spragins,
Heflin (Chambers),	Vaughan,
Heflin (Randolph),	Waddell,
Henderson,	Walker,
Howze,	Weatherly,
Inge,	Williams (Barbour),
Jones (Bibb),	Wilson (Clarke)—62.

## NAYS.

Messrs. Almon,	Beavers,
Ashcraft,	Beddow,
Banks,	Blackwell,
Barefield,	Brooks,
Bartlett,	Browne,

Burnett,	Martin,
Burns,	Miller (Marengo),
Byars,	Morrisette,
Carmichael (Coffee),	Mulkey,
Case,	Murphree,
Cornwell,	Norman,
Cunningham,	Norwood,
deGraffenried,	O'Neill (Jefferson),
Eyster,	O'Rear,
Fitts,	Palmer,
Foshee,	Parker (Cullman),
Foster,	Pettus,
Freeman,	Porter,
Gilmore,	Proctor,
Graham (Montgomery),	Reynolds (Chilton),
Graham (Talladega),	Rogers (Lowndes),
Grant,	Sanford,
Grayson,	Selheimer,
Hinson,	Sloan,
Hood,	Smith, Mac. A.
Howell,	Sorrell,
Jackson,	Spears,
Jenkins,	Thompson,
Jones (Montgomery),	Watts,
Jones (Wilcox),	Weakley,
Knight,	White,
Kyle,	Whiteside,
Leigh,	Willett,
Macdonald,	Williams (Marengo),
McMillan (Baldwin),	Wilson (Washington).
McMillan (Wilcox),	Winn—73.
Malone,	

## RECESS.

Pending the further consideration of the amendment offered by Mr. Cobb, the hour of 1 o'clock p. m. having arrived, the Convention, under the rules, recessed until 3 o'clock this afternoon.



## AFTERNOON SESSION.

The Convention met pursuant to adjournment.

## ROLL CALL.

On a call of the roll of the Convention the following delegates answered to their names, which constituted a quorum :

Messrs. President,	Duke,
Almon,	Eyster,
Altman,	Espy,
Ashcraft,	Ferguson,
Banks,	Fitts,
Barefield,	Fletcher,
Bartlett,	Foshee,
Beddow,	Foster,
Blackwell,	Freeman,
Boone,	Glover,
Brooks,	Graham (Montgomery),
Browne,	Graham (Talladega),
Bulger,	Grayson,
Burnett,	Greer (Calhoun),
Burns,	Greer (Perry),
Byars,	Haley,
Cardon,	Harrison,
Carmichael (Colbert),	Heflin (Chambers),
Carmichael (Coffee),	Heflin (Randolph),
Carnathon,	Henderson,
Case,	Hinson,
Chapman,	Hood,
Cobb,	Howell,
Cofer,	Howze,
Coleman (Greene),	Inge,
Coleman (Walker),	Jackson,
Cornwell,	Jenkins,
Craig,	Jones (Bibb),
Cunningham,	Jones (Hale),
Dent,	Jones (Montgomery),
deGraffenreid,	Jones (Wilcox),

Kirk,	Reese,
Kirkland,	Reynolds (Chilton),
Knight,	Reynolds (Henry),
Kyle,	Robinson,
Leigh,	Rogers (Lowndes),
Long (Walker),	Samford,
Lowe (Jefferson),	Sanders,
Lowe (Lawrence),	Sanford,
Macdonald,	Searcy,
McMillan (Baldwin),	Selheimer,
McMillan (Wilcox),	Sloan,
Malone,	Smith (Mobile),
Martin,	Smith, Mac. A.,
Merrill,	Sollie,
Miller (Marengo),	Sorrell,
Miller (Wilcox),	Spears,
Moody,	Spragins,
Morrisette,	Stewart,
Murphree,	Tayloe,
Norman,	Thompson,
Norwood,	Vaughan,
Oates,	Waddell,
O'Neal (Lauderdale),	Walker,
O'Neill (Jefferson),	Watts,
Opp,	Weakley,
O'Rear,	Weatherly,
Palmer,	White,
Parker (Cullman),	Whiteside,
Parker (Elmore),	Willett,
Pearce,	Williams (Barbour),
Pettus,	Williams (Marengo),
Pillans,	Wilson (Clarke),
Pitts,	Wilson (Washington).
Porter,	Winn—131.
Proctor,	

## LEAVE OF ABSENCE.

Was granted to Mr. Mulkey for this afternoon.

## UNFINISHED BUSINESS.

The Convention proceeded to the consideration of unfinished business, which was the consideration of the amendment offered by Mr. Cobb to the substitute offered by Mr. Jones, of Montgomery.

The amendment offered by Mr. Cobb was adopted: Yeas, 68; nays, 59.

## YEAS.

Messrs. President,	Henderson,
Altman,	Howze,
Bartlett,	Inge,
Bethune,	Jackson,
Boone,	Jones (Bibb),
Browne,	Jones (Hale),
Bulger,	Kirk,
Cardon,	Kirkland,
Carmichael (Colbert),	Long (Walker),
Carnathon,	Lowe (Jefferson),
Chapman,	Lowe (Lawrence),
Cobb,	Merrill,
Cofer,	Miller (Marengo),
Coleman (Greene),	Miller (Wilcox),
Coleman (Walker),	Moody,
Craig,	Murphree,
Davis (DeKalb),	Oates,
Dent,	O'Neal (Lauderdale),
Espy,	Opp,
Ferguson,	Parker (Elmore),
Fletcher,	Pearce,
Glover,	Phillips,
Grayson,	Pillans,
Greer (Calhoun),	Pitts,
Haley,	Proctor,
Handley,	Reynolds (Henry),
Harrison,	Robinson,
Heflin (Chambers),	Samford,
Heflin (Randolph),	Searcy,

Smith (Mobile),	Vaughan,
Sollie,	Waddell,
Spragins,	Walker,
Stewart,	Weatherly,
Tayloe,	Williams (Barbour)—68.

NAYS.

Messrs. Ashcraft,	Leigh,
Banks,	Macdonald,
Barefield,	McMillan (Baldwin),
Beddow,	McMillan (Wilcox),
Blackwell,	Malone,
Brooks,	Martin,
Burnett,	Morrisette,
Burns,	Norman,
Byars,	Norwood,
Carmichael (Coffee),	O'Neill (Jefferson),
Cornwell,	O'Rear,
Cunningham,	Palmer,
deGraffenried,	Parker (Cullman),
Duke,	Porter,
Fitts,	Rogers (Lowndes),
Foshee,	Sanford,
Foster,	Selheimer,
Freeman,	Sloan,
Gilmore,	Smith, Mac. A.,
Graham (Montgomery),	Sorrell,
Graham (Talladega),	Spears,
Grant,	Thompson,
Hinson,	Watts,
Hood,	Weakley,
Howell,	White,
Jenkins,	Whiteside,
Jones (Montgomery),	Williams (Marengo),
Jones (Wilcox),	Wilson (Washington).
Knight,	Winn—59.
Kyle,	

The question recurred upon the adoption of the substitute as amended.

The substitute was lost.

## PAIRS ANNOUNCED.

The following pairs were announced:

Mr. Rogers, of Sumter, and Mr. Case; Mr. Sanders and Mr. Pettus.

Messrs. Rogers, of Sumter, and Sanders would vote aye, and Messrs. Case and Pettus would vote nay.

## REPORT OF THE COMMITTEE ON RULES.

Mr. Smith, of Mobile, acting chairman of the Committee on Rules, submitted the following report:

Amend resolution 166 so as to read as follows:

Resolved, That all speeches and amendments to ordinances reported by standing committees be limited to five minute each, whether made before or after the ordering of the previous question.

Mr. Smith, of Mobile, moved that the resolution, as amended, as above set out, be adopted.

Mr. Jones, of Montgomery, offered the following amendment to the substitute for resolution 166:

Provided that time expended in answering questions shall not be deducted from a member's time.

Mr. Brooks moved that the substitute for resolution 166, reported by the Committee on Rules, and the amendment to said substitute, offered by Mr. Jones, of Montgomery, be laid upon the table to be taken up whenever the Convention desired.

The motion to table prevailed.

## ORDINANCE ORDERED ENGROSSED.

Mr. Jones, of Montgomery, asked unanimous consent to have the ordinance "To create and define the Executive Department" engrossed.

Consent was given, and the ordinance was ordered engrossed.

## ADJOURNMENT.

The hour of 5 o'clock p. m. having arrived, under the

rules the Convention adjourned until to-morrow morning at 10 o'clock a. m.

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## THIRTIETH DAY.

### CONVENTION HALL,

Montgomery, Ala., Wednesday, June 26, 1901.

The Convention met pursuant to adjournment.

Prayer was offered by Rev. Mr. Elliott of the city.

### ROLL CALL.

On a call of the roll of the Convention, the following delegates answered to their names, which constituted a quorum :

Messrs. President.	Carnathon,
Almon,	Case,
Altman,	Chapman,
Ashcraft,	Cobb,
Banks,	Cofer,
Barefield,	Coleman (Greene),
Bartlett,	Coleman (Walker),
Beavers,	Cornwell,
Beddow,	Craig,
Bethune,	Cunningham,
Blackwell,	Davis (DeKalb),
Boone,	Dent,
Brooks,	deGraffenried,
Browne,	Duke,
Bulger,	Eyster,
Burnett,	Espy,
Burns,	Ferguson,
Byars,	Fitts,
Cardon,	Fletcher,
Carmichael (Colbert),	Foshee,
Carmichael (Coffee),	Foster,

Freeman,  
Gilmore,  
Glover,  
Graham (Montgomery),  
Graham (Talladega),  
Grant,  
Grayson,  
Greer (Calhoun),  
Greer (Perry),  
Haley,  
Handley,  
Harrison,  
Heflin (Chambers),  
Heflin (Randolph),  
Henderson,  
Hinson,  
Hood,  
Howell,  
Howze,  
Inge,  
Jackson,  
Jenkins,  
Jones (Bibb),  
Jones (Hale),  
Jones (Montgomery),  
Jones (Wilcox),  
King,  
Kirk,  
Kirkland,  
Knight,  
Kyle,  
Ledbetter,  
Leigh,  
Locklin,  
Long (Butler),  
Long (Walker),  
Lowe (Jefferson),  
Lowe (Lawrence),  
Macdonald,  
McMillan (Baldwin),

McMillan (Wilcox),  
Malone,  
Martin,  
Merrill,  
Miller (Marengo),  
Miller (Wilcox),  
Moody,  
Morrisette,  
Mulkey,  
Murphree,  
Norman,  
Norwood,  
Oates,  
O'Neal (Lauderdale),  
O'Neill (Jefferson),  
Opp,  
O'Rear,  
Palmer,  
Parker (Cullman),  
Parker (Elmore),  
Pearce,  
Pettus,  
Phillips,  
Pillans,  
Pitts,  
Porter,  
Proctor,  
Reese,  
Reynolds (Chilton),  
Reynolds (Henry),  
Robinson,  
Rogers (Lowndes),  
Rogers (Sumter),  
Samford,  
Sanders,  
Sanford,  
Searcy,  
Selheimer,  
Sentell,  
Smith (Mobile),

Smith, Mac. A.,  
Smith, Morgan M.,  
Sollie,  
Sorrell,  
Spears,  
Spragins,  
Stewart,  
Tayloe,  
Thompson,  
Waddell,  
Walker,

Watts,  
Weakley,  
Weatherly,  
White,  
Whiteside,  
Williams (Barbour),  
Williams (Marengo),  
Wilson (Clarke),  
Wilson (Washington).  
Winn—143.

#### LEAVE OF ABSENCE.

Was granted to Messrs. Vaughan for to-day; Ne-Smith for to-day and to-morrow; Davis, of Etowah, for to-day.

#### REPORT OF THE COMMITTEE ON THE JOURNAL.

The chairman of the Committee on the Journal submitted the following report, which was concurred in:

The Committee on the Journal beg leave to report that they have examined the Journal for the twenty-ninth day of the Convention, and that the same is correct.

Respectfully submitted,

JOHN F. PROCTOR, *Chairman.*

#### STENOGRAPHIC REPORT.

Messrs. Reynolds, of Chilton; Carmichael, of Coffee; O'Neal, of Lauderdale; and Burns, called the attention of the Convention to certain errors in the stenographic report of the proceedings of yesterday.

The report was ordered corrected.

#### RESOLUTIONS.

The following resolution was offered, read at length,



and the rules were suspended and the resolution was adopted:

Resolution No. 191, by Mr. Howell:

Resolved, That when any article of the Constitution has been passed by this Convention and ordered engrossed, the chairman of the committee who reported the article be appointed and requested to see that the article is correctly engrossed or enrolled, as the case may be.

#### RECONSIDERATION.

Mr. Reese gave notice that on to-morrow he would move to reconsider the vote by which the resolution 191 was adopted.

#### RESOLUTIONS.

The following resolutions were offered, severally read one time at length, and referred to appropriate committees, as follows:

Resolution No. 192, by Mr. Rogers, of Lowndes:

To amend rule 36, so as to read: The ayes and noes shall only be ordered when the call therefor is sustained by fifty delegates.

The resolution was referred to the Committee on Rules.

Resolution No. 193, by Mr. Jones, of Montgomery:

Resolved, That an additional article be incorporated in the Constitution, as follows:

#### ARTICLE —

Section 1. When any person in the custody of a Sheriff, or other lawful officer, is lawlessly taken, or attempted to be taken, from the custody of such Sheriff or other officer by a mob or other lawless assemblage, for the purpose of putting such person to death or great bodily harm, and any Sheriff or other officer or any member of any posse is killed or injured in protecting

or attempting to protect such prisoner, the county in which such lynching occurs or is attempted, shall be liable in damages to the Sheriff or other officer or member of the posse, if they survive their injuries, or to their legal representatives, in case of their death. Any county made liable under this section shall have a right of action over against either or all the persons taking part in such mob or lawless assemblage.

The resolution was referred to the Committee on Executive Department.

Resolution No. 194, by Mr. Morrisette:

Resolved by the people of Alabama, in Convention assembled, That the next General Assembly of Alabama shall reduce the tax on fertilizer to 10 cents per ton.

Resolved further, That the General Assembly at the same time shall provide for the support of the various Agricultural Schools in this State out of the general fund of the State.

The resolution was referred to the Committee on Legislative Department.

#### ORDINANCES ON FIRST READING.

The following ordinances were introduced, severally read one time at length, and referred to appropriate committees as follows:

Ordinance No. 402, by Mr. Mulkey:

An ordinance to amend Section 2, Article X of the Constitution.

Be it ordained by the people of Alabama, in Convention assembled, That Section 2, Article X of the Constitution be amended by adding after the last word thereof the following: Provided, That executory contracts in writing for the sale of the homestead signed by the husband and wife, and acknowledged by the wife, as in cases of the conveyance of the homestead, shall be valid and may be enforced.

The ordinance was referred to the Committee on Exemptions.

Ordinance No. 403, by Mr. Winn:

Be it ordained by the State of Alabama, in Convention

assembled, That the Railroad Commissioners of Alabama shall have plenary power in all matters pertaining to the discharge of their duties, and their salaries shall be paid by the State; provided, the railroad shall have the right of appeal to the courts from the decisions of said Commissioners whenever they deem such decisions oppressive.

The ordinance was referred to the Committee on Corporations.

#### PETITIONS.

Messrs. Greer, of Perry; Winn, Ashcraft and Banks submitted petitions from various citizens, relative to the election of Railroad Commissioners by the people, and the said petitions were referred to the Committee on Corporations.

#### RECONSIDERATION OF ORDINANCES.

Mr. Smith, of Mobile, chairman of the Committee on Judiciary, returned to the Convention Ordinance 305, "To amend Section 1, Article 10, of the Constitution," and requested that the same be recommitted to the Committee on Exemptions.

The ordinance, 305, was recommitted to the Committee on Exemptions.

#### REPORT OF STANDING COMMITTEES.

Mr. Parker, of Cullman, chairman of the Committee on State and County Boundaries, submitted the following report, which was read at length:

#### REPORT OF THE COMMITTEE ON STATE AND COUNTY

#### BOUNDARIES.

*Mr. President:*

The Committee on State and County Boundaries, to which was referred resolution No. 75, introduced by Mr.

Parker, of Elmore, beg leave to report that they have considered the same, and recommend its adoption.

Said resolution is returned herewith.

GEORGE H. PARKER,  
Chairman of Committee upon State and County Boundaries.

#### RESOLUTION.

Whereas, the General Assembly of Alabama passed an act approved March 4th, 1901, entitled "An act to provide for the annexation of West Florida to the State of Alabama," with the consent of the State of Florida and the Congress of the United States; and

Whereas, the Governor of Alabama has, in pursuance of said act, appointed as commissioners on the part of Alabama Hons. Wm. L. Martin, Richard C. Jones and Samuel Blackwell, to confer with a like commission on the part of the State of Florida, which commission is empowered to do and perform all acts necessary and requisite to perfect an agreement for the cession of said territory to the State of Alabama, to be ratified and confirmed by the Legislature of Alabama, and approved by the Governor;

Now, therefore, be it resolved, That this Convention hereby ratifies and indorses the purpose of said act, and the appointment of said commission;

Resolved further, That we approve of the annexation of the territory described in said act, to the State of Alabama, in the matter set forth therein;

Resolved further, That we commend the distinguished commission on the part of Alabama to a painstaking and patriotic effort in consummating liberal terms for the cession of said territory and recommend such other action by the Legislature of Alabama and the Congress of the United States as may be necessary.

Mr. Parker, of Cullman, moved that the rules be suspended and that the resolution 75, which is set out above, be adopted.

The rules were suspended and the resolution was adopted.

Mr. Parker, of Cullman, chairman of the Committee on State and County Boundaries, also submitted the following report:

REPORT OF THE COMMITTEE ON STATE AND COUNTY  
BOUNDARIES.

*Mr. President:*

The Committee on State and County Boundaries instructs me to report herewith an ordinance to take the place of the article in the present Constitution on the subject.

All of the ordinances and resolutions submitted to the committee have been carefully considered. The principles of some of the same have been incorporated in the article. These ordinances and resolutions are herewith respectfully returned.

The material changes in the article reported are as follows:

To the first section as to the boundaries of the State, is added a proviso, so that if circumstances should be propitious, the limits and jurisdiction of the State would extend over any land or territory hereafter acquired.

In this connection we have reported favorably a resolution giving the support of this Convention to the Commissioners appointed under an act of the last Legislature as to the matter of the annexation of a certain part of Florida to this State.

Section 2 of the present Constitution has been divided into several sections, so as to make each provision therein clear and definite.

The boundaries of the counties under Section 3 can only be changed by an act of the Legislature passed by a majority of the members elected to each House thereof, and a two-thirds vote of the qualified electors, within the proposed territory to be taken from one county and added to another.

New counties can only be created in like manner.

No county line shall be changed so as to run within

seven miles of the court house of any old county.

No county site can be removed without a two-thirds vote of the qualified electors voting at an election held for such purpose; and elections for such purpose can only be held once in every four years.

The area of counties has been reduced from 600 to 500 square miles.

The county site of Shelby county, by proviso to Section 6, is fixed at Columbiana until changed by vote of the people. There is an act of the General Assembly of Alabama, approved the 9th day of February, 1899, and an act amendatory thereto, approved the 20th of February, 1899, providing for an election, to fix the permanent location of the county site of Shelby county, and the benefit of such an election could be had at any time within four years from its approval, without seeking to have an election under these acts. A bill was passed through the last Legislature changing the county site from Columbiana to Calera. After a patient and careful investigation of the manner of the passage of this bill, it was evident to a majority of the committee:

First—That only one member of the House could be found who knew of the existence or passage of the bill, and that member was the originator of the same;

Second—No officer of the House had any independent recollection of the bill.

Third—The bill was kept off from the calendar of the House and out of the newspapers.

The bill was passed regularly in the Senate, during its last day, and was on its calendar, but so late that no one, in Shelby county, except those interested in its passage, knew anything about it until after the adjournment of the Legislature. The result is that this act was passed by wrong methods without the knowledge of the members of the House, and the county site changed, without the consent or knowledge of the people of Shelby county. It is conceded, in our judgment, that the courts cannot go behind the Journals. The people of that county are, therefore, left without a remedy unless this Convention grants it to right the above wrong, and

as an act of justice to the people of Shelby county, the committee is of the opinion, and it is their judgment, that said county site should remain at Columbiana unless changed by the vote of the people of that county. We return the evidence heard before the committee.

Upon some portions of the article some of the members dissent, and reserve the liberty of action.

GEORGE H. PARKER, *Chairman.*

#### MINORITY REPORTS.

The undersigned member of the Committee on State and County Boundaries does not concur in the report of the Committee as to Sections 2, 3 and 4, and he offers as substitute therefor the following:

Sec. 3. The boundaries of the several counties of this State, as heretofore established by law, are hereby ratified and confirmed. The General Assembly may, by a vote of two-thirds of both Houses thereof, arrange and designate boundaries for the several counties of this State, which boundaries shall not be altered, except by a like vote; but no new counties shall be hereafter formed of less extent than 600 square miles, and no existing county shall be reduced to less than 600 square miles; and no new county shall be formed which does not contain a sufficient number of inhabitants to entitle it to one Representative under the ratio of representation existing at the time of its formation, and leave the county or counties from which it is taken with the required number of inhabitants entitling such county or counties to separate representation.

Respectfully submitted,

MILO MOODY,  
C. H. MILLER.

*Mr. President:*

The undersigned respectfully dissent from that part of the report of the Committee herewith filed, which reduces the constitutional area of a county below 600 square miles.

After a careful and painstaking investigation from every avenue of information, we are forced to the conclusion that any change reducing the area of the old counties below the present constitutional limit would be a source of political strife and dissension in many parts of the State, and endanger, if not defeat, the ratification of the proposed Constitution. We base this conclusion upon the following premises, which we think are indisputable:

First—This question was not an issue in the campaign except to a very limited extent.

Second—The sentiment of the people is divided, but largely against reduction.

Third—In most of the counties the tax rate is already up to the constitutional limit, hence any reduction of the old counties would decrease their revenues, interfere with the harmony and autonomy of the same, destroy their symmetry and arouse influences against ratification, which, under normal conditions, would be in favor of ratification.

We do not object to a reduction to some extent of the area of the counties hereafter to be formed, with such other restrictions as would be beneficial to the maintenance of the same.

We therefore move to amend the report of the committee by striking out "500" where it occurs in Section 3, and adding in lieu thereof the words "six hundred."

Respectfully submitted,

J. E. COBB,  
JOHN S. PARKER,  
E. C. JACKSON.

*Mr. President:*

We, the undersigned members of the Committee on State and County Boundaries, do not concur with the majority in that part of Section 6 which refers to the Shelby county court house. And we offer as an amendment to Section 6 of the majority report, that all that



part of Section 6 which refers to the Shelby county court house shall be stricken out.

J. O. SENTELL,

J. A. GILMORE.

An ordinance to create and define the State and County Boundaries, and to regulate the location of county sites, and the formation of new counties.

Be it ordained by the people of Alabama, in Convention assembled, That Article II of the Constitution be stricken out, and the following article inserted in lieu thereof:

#### ARTICLE II.

State and County Boundaries, County Sites and New Counties:

Section 1. The boundaries of this State are established and declated to be as follows, that is to say:

Beginning at the point whre the 31st degree of north latitude crosses the Perdido river; thence east to the western boundary line of the State of Georgia; thence along said line to the southern boundary line of the State of Tennessee, thence west along the southern boundary line of the State of Tennessee, crossing the Tennessee river, and on to the second intersection of said river by said line, thence up said river to the mouth of Big Bear creek; thence by a direct line to the northwest corner of Washington county, in this State, as originally formed; thence southerly along the line of the State of Mississippi to the Gulf of Mexico; thence eastwardly, including all islands within six leagues of the shore, to the Perdido river; thence up said river to the beginning; provided, that the limits and jurisdiction of this State shall extend to and include any other land and territory now acquired, or hereafter acquired, by contract or agreement with other States or otherwise, although such land and territory are not included within the boundaries hereinbefore designated.

Sec. 2. The boundaries of the several counties of this

State, as they now exist, are hereby ratified and confirmed.

Sec. 3. The General Assembly shall have the power, provided that each house by a majority of the members elected thereto shall vote in favor thereof, to submit to a vote of the people residing within the territory proposed to be taken from one county and given to another, a change or alteration in county lines, but no such change or alteration shall be made unless such proposed change or alteration shall receive two-thirds of the votes of the qualified electors voting at such election; and, provided, that no county line shall be changed or altered so as to reduce any old county below 500 square miles, or which shall reduce the inhabitants in any such county below the number of inhabitants to entitle the county to one Representative.

Sec. 4. The General Assembly shall have power, provided that each House, by a majority of its members elected thereto, shall vote in favor therefor, to submit to a vote of the people within the boundaries of the proposed new county, the creation and formation of new counties, but no new county shall be created, unless such proposed new county shall receive two-thirds of the votes of the qualified electors voting at such election; and at the same time the question of a name and a county seat for such county shall be submitted to and determined by said electors; and, provided, that no new county shall be created or formed of less extent than 500 square miles, and which does not contain a sufficient number of inhabitants to entitle it to one Representative under the ratio of representation existing at the time of its creation, and leave the county or counties from which it is taken with the required number of inhabitants entitling such county or counties to separate representation, or which shall reduce any old county below 500 square miles.

Sec. 5. No county line shall be altered or changed or in the creation of new counties shall be established so as to run within seven miles of the county court house of any old county.

Sec. 6. No county site shall be removed except by a two-thirds vote of the qualified electors of said county, voting in an election held for such purpose, and when an election has once been held for such purpose, no other election can be held for such purpose until the expiration of four years; provided, that the county site of Shelby county, of this State, shall be and remain at Columbiana, unless removed by a vote of the people, as provided for in an act entitled "An act to provide for the permanent location of the county site of Shelby county, Alabama, by a vote of the qualified electors of said county," approved the 9th day of February, 1899, and the act amendatory thereto, approved the 20th day of February, 1899, or by an election held under the provisions of this article.

The report was read at length and placed upon the calendar, and 300 copies ordered printed.

#### SPECIAL ORDER.

Mr. Parker, of Cullman, moved that the report of the Committee on State and County Boundaries be made a special order to be considered immediately after the special orders heretofore made.

The motion prevailed and the report was made a special order for consideration immediately after the conclusion of the consideration of the report of the Committee on Local Legislation, and the supplementary report to same by Legislative Department.

#### UNFINISHED BUSINESS.

The Convention proceeded to the consideration of the unfinished business, which was the report of the Committee on Taxation.

The question was upon the amendment to Section 1 of the article reported by the Committee on Taxation, said amendment, offered by Mr. Samford, was again read as follows:

Add in the fifth line, Section 1, after the word "value" "and no license or other tax shall ever be imposed for

the inspection of any article of merchandise used for fertilizer."

Mr. Espy offered the following amendment to the amendment offered by Mr. Samford:

Amend amendment so as to read as follows: And after September 1st, 1903, no license or other tax shall ever be levied or collected for the inspection of any article of merchandise used for fertilizer, in excess of 10 cents per ton.

Mr. Palmer moved to table the pending amendment.

#### RECESS.

Pending the further consideration of the motion of Mr. Palmer, the hour of 1 o'clock arrived and under the rules, the Convention recessed until 3 o'clock this afternoon.

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#### AFTERNOON SESSION.

The Convention met pursuant to adjournment.

#### ROLL CALL.

On a call of the roll of the Convention, the following delegates answered to their names, which constituted a quorum:

Messrs. President,  
Ashcraft,  
Banks,  
Barefield,  
Beavers,  
Beddow,  
Bethune,  
Blackwell,  
Boone,  
Brooks,

Browne,  
Bulger,  
Burnett,  
Burns,  
Byars,  
Cardon,  
Carmichael (Colbert),  
Carmichael (Coffee),  
Carnathon,  
Case,

Chapman,  
Cobb,  
Cofer,  
Coleman (Greene),  
Coleman (Walker),  
Cornwell,  
Craig,  
Cunningham,  
Davis (DeKalb),  
Dent,  
deGraffenried,  
Eyster,  
Espy,  
Ferguson,  
Fitts,  
Fletcher,  
Foshee,  
Foster,  
Freeman,  
Gilmore,  
Glover,  
Graham (Montgomery),  
Graham (Talladega),  
Grayson,  
Greer (Calhoun),  
Greer (Perry),  
Haley,  
Handley,  
Harrison,  
Heflin (Chambers),  
Heflin (Randolph),  
Henderson,  
Hinson,  
Hood,  
Howell,  
Howze,  
Inge,  
Jackson,  
Jenkins,  
Jones (Bibb),  
Jones (Hale),

Jones (Wilcox),  
King,  
Kirk,  
Knight,  
Kyle,  
Ledbetter,  
Leigh,  
Long (Butler),  
Long (Walker),  
Lowe (Jefferson),  
Lowe (Lawrence),  
Macdonald,  
McMillan (Baldwin),  
McMillan (Wilcox),  
Malone,  
Martin,  
Maxwell,  
Merrill,  
Miller (Marengo),  
Miller (Wilcox),  
Moody,  
Morrisette,  
Mulkey,  
Murphree,  
Norman,  
Norwood,  
Oates,  
O'Neal (Lauderdale),  
O'Neill (Jefferson),  
Opp,  
O'Rear,  
Palmer,  
Parker (Cullman),  
Parker (Elmore),  
Pearce,  
Pettus,  
Pillans,  
Pitts,  
Porter,  
Proctor,  
Reese.

Reynolds (Henry),	Spears,
Robinson,	Spragins,
Rogers (Lowndes),	Stewart,
Rogers (Sumter),	Tayloe,
Samford,	Thompson,
Sanders,	Waddell,
Sanford,	Walker,
Searcy,	Watts,
Selheimer,	Weakley,
Sentell,	White,
Sloan,	Whiteside,
Smith (Mobile),	Williams (Barbour),
Smith, Mac. A.,	Williams (Marengo),
Smith, Morgan M.,	Wilson (Clarke),
Sollie,	Wilson (Washington),
Sorrell,	Winn—134.

## LEAVE OF ABSENCE.

Was granted to Messrs. Thompson for Thursday, Friday and Saturday; and Jones, of Montgomery, for this afternoon.

## UNFINISHED BUSINESS.

The Convention proceeded to the consideration of the unfinished business, which was the report of the Committee on Taxation.

The question being upon the motion of Mr. Palmer to table the amendments offered to Section 1 of said report.

By unanimous consent Mr. Palmer withdrew the motion to table.

The amendments were discussed at length.

Mr. Long, of Walker, moved to table the amendment offered by Mr. Samford, and the amendment to the amendment offered by Mr. Espy.

The motion prevailed, and the amendments were laid upon the table. Yeas, 68; nays, 63.

## YEAS.

Messrs. Ashcraft,  
 Beddow,  
 Bethune,  
 Boone,  
 Brooks,  
 Browne,  
 Burnett,  
 Carnathan,  
 Cobb,  
 Coleman (Greene),  
 Craig,  
 deGraffenried,  
 Eyster,  
 Ferguson,  
 Foster,  
 Glover,  
 Graham (Montgomery),  
 Graham (Talladega),  
 Grant,  
 Greer (Perry),  
 Harrison,  
 Hood,  
 Howze,  
 Inge,  
 Jackson,  
 Jenkins,  
 Jones (Wilcox),  
 Kirk,  
 Kyle,  
 Ledbetter,  
 Locklin,  
 Long (Walker),  
 Lowe (Jefferson),  
 McMillan (Baldwin),

Martin,  
 Merrill,  
 Miller (Wilcox),  
 Morrisette,  
 Norman,  
 Norwood,  
 Oates,  
 O'Neal (Lauderdale),  
 O'Neill (Jefferson),  
 Opp,  
 Palmer,  
 Parker (Cullman),  
 Parker (Elmore),  
 Pettus,  
 Pillans,  
 Pitts,  
 Robinson,  
 Rogers (Lowndes),  
 Samford,  
 Sanders,  
 Selheimer,  
 Sentell,  
 Smith (Mobile),  
 Stewart,  
 Tayloe,  
 Waddell,  
 Walker,  
 Watts,  
 Weakley,  
 Weatherly,  
 Williams (Barbour),  
 Williams (Marengo),  
 Wilson (Clarke),  
 Wilson (Washington)—68.

## NAYS.

Messrs. Almon,  
 Altman,  
 Banks,

Barefield,  
 Bartlett,  
 Beavers,

Blackwell,  
 Bulger,  
 Burns,  
 Byars,  
 Cardon,  
 Carmichael (Coffee),  
 Case,  
 Chapman,  
 Cofer,  
 Coleman (Walker),  
 Davis (DeKalb),  
 Espy,  
 Fitts,  
 Fletcher,  
 Foshec,  
 Freeman,  
 Gilmore,  
 Grayson,  
 Greer (Calhoun),  
 Haley,  
 Handley,  
 Heflin (Chambers),  
 Heflin (Randolph),  
 Henderson,  
 Jones (Bibb),  
 Jones (Hale),  
 Knight,  
 Leigh,  
 Lowe (Lawrence),

Macdonald,  
 Malone,  
 Maxwell,  
 Miller (Marengo),  
 Moody,  
 Mulkey,  
 Murphree,  
 O'Rear,  
 Pearce,  
 Phillips,  
 Porter,  
 Proctor,  
 Reese,  
 Reynolds (Henry),  
 Rogers (Sumter),  
 Sanford,  
 Searcy,  
 Sloan,  
 Smith, Mac. A.,  
 Smith, Morgan M.,  
 Sollie,  
 Sorrell,  
 Spears,  
 Spragins,  
 Thompson,  
 White,  
 Whiteside,  
 Winn—63.

## PAIRS ANNOUNCED.

The following pairs were announced:

Messrs. Hinson and Carmichael, of Colbert; Cunningham and McMillan, of Wilcox. Messrs. Hinson and Cunningham would vote aye; and Messrs. Carmichael, of Colbert, and McMillan, of Wilcox, would vote nay.

## MOTION TO TAKE FROM THE TABLE.

Mr. Samford changed his vote from nay to aye and



gave notice that he would, on to-morrow, move to take from the table the amendments to Section 1 of the Article XI reported by the Committee on Taxation.

#### SECTION ONE.

Mr. White offered the following amendment to Section 1 of the Article XI, reported by the Committee on Taxation, which was read at length:

Amend Section 1 of Article XI as reported by the Committee on Taxation by adding after the word "value" in the fifth line of said section, the following: "No tax for inspecting any merchandise or commodity shall be imposed or collected in excess of an amount sufficient to pay for the actual cost of the inspection thereof."

#### ADJOURNMENT.

Pending the further consideration of the amendment, and the Article XI reported by the Committee on Taxation, the hour of 5 o'clock p. m. arrived, and under the rules, the Convention adjourned until to-morrow morning at 10 o'clock.

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### THIRTY-FIRST DAY.

#### CONVENTION HALL.

Montgomery, Ala., Thursday, June 27, 1901.

The Convention met pursuant to adjournment.  
Prayer was offered by Rev. Dr. Lamar.

#### ROLL CALL.

On a call of the roll of the Convention, the following delegates answered to their names, which constituted a quorum:

Messrs. President,  
 Almon,  
 Ashcraft,  
 Banks,  
 Barefield,  
 Bartlett,  
 Beavers,  
 Beddow,  
 Bethune,  
 Blackwell,  
 Boone,  
 Brooks,  
 Browne,  
 Bulger,  
 Burnett,  
 Burns,  
 Byars,  
 Cardon,  
 Carmichael (Colbert),  
 Carmichael (Coffee),  
 Carnathon,  
 Case,  
 Chapman,  
 Cobb,  
 Coleman (Greene),  
 Coleman (Walker),  
 Cornwell,  
 Craig,  
 Cunningham,  
 Davis (DeKalb),  
 Davis (Etowah),  
 Dent,  
 deGraffenried,  
 Duke,  
 Eley,  
 Eyster,  
 Espy,  
 Ferguson,  
 Fitts,  
 Fletcher,  
 Foshee,

Foster,  
 Freeman,  
 Gilmore,  
 Glover,  
 Graham (Montgomery),  
 Graham (Talladega),  
 Grant,  
 Grayson,  
 Greer (Calhoun),  
 Greer (Perry),  
 Haley,  
 Handley,  
 Harrison,  
 Heflin (Chambers),  
 Heflin (Randolph),  
 Henderson,  
 Hinson,  
 Hodges,  
 Hood,  
 Howell,  
 Howze,  
 Inge,  
 Jackson,  
 Jenkins,  
 Jones (Bibb),  
 Jones (Hale),  
 Jones (Montgomery),  
 Jones (Wilcox),  
 King,  
 Kirk,  
 Kirkland,  
 Knight,  
 Kyle,  
 Ledbetter,  
 Leigh,  
 Locklin,  
 Lomax,  
 Long (Butler),  
 Long (Walker),  
 Lowe (Jefferson),  
 Macdonald,

McMillan (Baldwin),	Robinson,
McMillan (Wilcox),	Rogers (Lowndes),
Malone,	Rogers (Sumter),
Martin,	Samford,
Maxwell,	Sanders,
Merrill,	Sanford,
Miller (Marengo),	Searcy,
Miller (Wilcox),	Selheimer,
Moody,	Sentell,
Morrisette,	Sloan,
Mulkey,	Smith (Mobile),
Murphree,	Smith, Mac. A.,
NeSmith,	Smith, Morgan M.,
Norman,	Sollie,
Norwood,	Sorrell,
Oates,	Spears,
O'Neal (Lauderdale),	Spragins,
O'Neill (Jefferson),	Stewart,
Opp,	Studdard,
O'Rear,	Tayloe,
Palmer,	Waddell,
Parker (Cullman),	Walker,
Parker (Elmore),	Watts,
Pearce,	Weakley,
Pettus,	Weatherly,
Phillips,	White,
Pillans,	Whiteside,
Pitts,	Williams (Barbour),
Porter,	Williams (Marengo),
Proctor,	Williams (Elmore),
Reese,	Wilson (Clarke).
Reynolds (Chilton),	Wilson (Washington).
Reynolds (Henry),	Winn—149.

## LEAVE OF ABSENCE.

Was granted to Messrs. Handley indefinitely; Lowe, of Lawrence, for to-day and to-morrow; Renfro for to-day, Friday and Saturday; Jones, of Montgomery, for to-day; Lomax for yesterday; Altman for to-day; Duke for yesterday afternoon.

## REPORT OF THE COMMITTEE ON THE JOURNAL.

The chairman of the Committee on the Journal submitted the following report, which was concurred in:

The Committee on the Journal beg leave to report that they have examined the Journal for the thirtieth day of the Convention and that the same is correct.

Respectfully submitted,

JOHN F. PROCTOR, *Chairman.*

## RESOLUTIONS.

The following resolutions were offered, severally read one time at length, and referred to appropriate committees, as follows:

Resolution No. 195, by Mr. Carmichael, of Colbert:

Resolved by the Convention, That the engrossing and enrolling clerk of the Convention be and the same is hereby authorized to employ such assistants as may be necessary to properly discharge the duties of that office. This resolution shall take effect on and after the 24th day of June.

Resolution No. 196, by Mr. Watts:

Be it resolved: That the privileges of the floor of this Convention are hereby extended to Alabama's distinguished son, Hon. Hiliary A. Herbert, ex-Secretary of the Navy.

Be it further resolved, That on Friday, the 28th inst., this Convention recess from 12 to 3 p. m. instead of from 1 to 3 p. m., and that the Convention remain in session until 6 p. m. in order that the Alabama Bar Association may have the use of this hall for the purpose of hearing the address of Hon. Hiliary A. Herbert to said association.

Mr. Watts moved that the rules be suspended and that the resolution be adopted.

The motion prevailed, and the rules were suspended, and the resolution was adopted.

Resolution 197, by Mr. Lomax:

Resolved, That the sum of \$7.50 be and the same is

hereby appropriated to pay for stenographic work for the Committee on Preamble and Declaration of Rights.

The resolution was referred to the Committee on Schedule, Printing and Incidental Expenses.

Resolution No. 198, by Mr. Ferguson:

A greeting from the people of Alabama to the people of Cuba:

Be it resolved by the people of Alabama, in Convention assembled, That we extend our congratulations to the people of Cuba upon the termination of their woes borne so grievously for so many generations, and we welcome them to the great family of self-governing nations, and hope that some day Cuba, untrammelled, and of her own free will, may become our younger sister in the mighty union of States.

Be it further resolved, That the Department of State at Washington be and is hereby requested to convey through the proper official channels, this testimonial of our good will toward the people of Cuba. That the same may be laid before the Constitutional Convention of the Island of Cuba.

The resolution was referred to the Committee on Rules.

Resolution No. 199, by Mr. Howell:

Resolved, That whatever clerical assistance may be necessary to be employed by the enrolling and engrossing clerk of this Convention, it be paid for at the rate of 15 cents per hundred words for such assistant clerical work.

The resolution was referred to the Committee on Rules.

Mr. Carmichael, of Colbert, offered the following amendment to the resolution 199, which was accepted by the author of said resolution:

Enrolling and engrossing clerk be authorized to employ such clerical assistance as she needs, to be paid for at the rate of 15 cents per 100 words.

Mr. Howell moved that the rules be suspended and that the resolution be adopted.

Mr. Proctor moved to table the resolution.

The motion to table was lost.

Mr. Howze moved to refer the resolution 199 to the Committee on Rules.

The motion prevailed, and the resolution was referred to the Committee on Rules.

#### MEMORIALS.

A memorial from the Sheriffs', Clerks' and Registers' Association of Alabama was read at length, and the same was, upon motion of Mr. Pettus, referred to the Committee on Executive Department.

#### STENOGRAPHIC REPORT.

Mr. Whiteside called the attention of the Convention to certain errors in the stenographic report of the proceedings of the Convention of yesterday.

The report was ordered corrected.

#### SPECIAL ORDER.

Mr. Fletcher, chairman of the Committee on Banks and Banking, asked unanimous consent to have the report of the Committee on Banks and Banking, heretofore submitted, set for a special order immediately after the conclusion of the consideration of the report of the Committee on State and County Boundaries.

Consent was granted and the report of the Committee on Banks and Banking was made a special order as above requested.

#### REPORT OF STANDING COMMITTEES.

#### LEGISLATIVE DEPARTMENT.

Mr. Oates, chairman of the Committee on Legislative Department, submitted the following report, which was read at length, and placed upon the calendar, and 300 copies of said report were ordered printed:

## REPORT OF THE COMMITTEE ON LEGISLATIVE DEPARTMENT.

*Mr. President:*

The Committee on Legislative Department instruct me to report the accompanying ordinance to supply the place of the article in the present Constitution on the subject.

Without deeming it necessary to report specially upon the numerous ordinances and resolutions referred to it, the committee has carefully considered them, and substantially embodied in the new article a number of the propositions which they embrace. The ordinance herewith reported will show to what extent their provisions have been adopted. These ordinances and resolutions are herewith respectfully returned.

The provisions of the following sections of Article IV of the present Constitution are recommended for adoption without change: 4, 6, 7, 10, 11, 12, 13, 14, 16, 18, 19, 21, 25, 26, 28, 30, 33, 34, 35, 36, 39, 40, 41, 43, 44, 47, 48, 50, 51, 53, 55, and 56 down to and including Section 7, they have identical numbers in both articles. From 10 to 20 inclusive the corresponding matter is incorporated in sections of the new article, numbered in each instance one less than the old; from 25 to 28 inclusive three less, and after 28 two less.

In the following statement, the material changes recommended by your committee are set forth in the order to which they relate to sections of Article IV of the present Constitution, as numbered therein.

To conform to the usual and popular expression, the title of the Legislative Department is changed in Section 1 from "General Assembly" to "Legislature." This amendment extends throughout the article.

By an addition to Section 2 the enacting clause of the bills, etc., is not to be repeated, but sectional divisions are to be made, and designated by figures merely. This is done in the interest of brevity, and to prevent needless formality in the style of enactments.

Section 3 is changed in the respect that the terms of Representatives and Senators alike shall be four years.

The provisions of Section 9 for issuance of writs of election by the Governor to fill vacancies is transposed to Section 3. Provision is made that Senators and Representatives shall be elected by the qualified electors on the first Monday in August, 1902, and every four years thereafter, unless the Legislature shall change the time of holding elections; and that the terms of office of both Senators and Representatives shall be four years. However, as the Senators from the odd numbered districts have still two years to serve, the chairman of this committee recommends that the election of Senators in the even numbered districts at the general election in 1902 shall be for the term of two years only, and that thereafter all the Senators and Representatives shall be elected to serve four years; and he also recommends that the Governor, Lieutenant Governor, Secretary of State, Auditor, Treasurer, Superintendent of Education, Commissioner of Agriculture and Industries, the Attorney General, and all the Judges and county officers, including Sheriffs, be elected at the general election in 1904, to serve for four years, or, in case of the Judges, said Judges to serve for eight years, should it be deemed advisable to lengthen their terms.

Section 5 is changed so as to provide for quadrennial instead of biennial sessions of the Legislature. In view of the prohibitions to be placed on the legislative power to pass local laws, there will be hereafter neither a demand nor a necessity for biennial sessions. The change is recommended on the additional grounds that it will prevent hasty and ill-advised attempts to repeal general laws before they have been long enough in force to admit of a fair test of their merits, and it will also conduce, by removing early opportunity for repeal, to mature and careful deliberation by the Legislature. The tendency to permanency of the legislative enactments will be greatly increased, and much expense saved to the State.

Section 8 is amended so as to add to its present requirements, that the House, as well as the Senate, shall elect one of its members Speaker at such times, other



than the beginning of the session as may be necessary; and further, that in case of temporary disability of either presiding officer, the House to which he belongs, may elect, from among its members, a temporary presiding officer to take the place of the regular one during the latter's disability, and to receive, during such time, only the compensation to which the permanent officer is entitled.

Section 9 of the present article, except the portion transferred to Section 3, as hereinbefore indicated, is omitted from the new article.

To prevent lobbying, Section 15, is amended so as to confine the privileges of the floor of either or both Houses, to members of the Legislature, officers and employes of each House, the Governor and his Secretaries, representatives of the press, and such other persons as to whom either House, by unanimous vote, may extend the privileges of its floor.

Section 17 of the new article, all officers, military as well as civil, are included in the prohibition against appointment of Senators and Representatives, during the term for which they were elected, to an office created or receiving added emoluments, during such term.

To Section 20 are added the requirements that the reference of bills therein provided for must be to a standing committee of each House, that the action of such committees thereon must be had in session, and that the facts of reference, action in session, and return must affirmatively appear on the Journal of each House.

For Section 22 the committee reports a substitute, embodying the requirements of the present section, and extending them to all amendments in either House, with the added requirement that every amendment must be entered at length on the Journal of the House in which the same is adopted.

The matters embraced in Sections 23 and 24 are fully covered by the report of the Committee on Local Legislation and the report supplementary thereto heretofore made by this committee.

To Section 27 are added the requirements that immediately before being signed by the respective presiding officers, every bill shall be read at length, and the fact of such reading and signing entered on the Journals, but that the reading may be dispensed with by two-thirds of a quorum present, which shall be entered on the Journal.

The operation of Section 29 is enlarged to expressly prohibit any county or municipality from increasing the pay of officers, employes, or contractors, after service rendered or contract made.

To Section 31, relating to the origin of revenue bills, is added a requirement that at the beginning of each regular session the Governor, Auditor, Treasurer, and Attorney General shall have prepared a general revenue bill, to be printed by the Secretary of State, and by the Governor laid before the House as soon as organized. This is deemed advisable in aid of the Legislature. A prohibition is added that no revenue bill is to be passed during the last five days of the session, the object being to avoid hasty legislation on matters of such moment, and allow the Governor ample time to consider such bills.

By the amendment of Section 32, no salary is to be increased by the general appropriation bill and no appropriation made for any officer or employe, unless his employment and the amount of his salary have already been provided for by law.

To Section 37 is added a provision that by a two-thirds vote of each House, the Legislature, when convened in extra session, may legislate upon subjects other than those designated in the calling proclamation of the Governor.

To the existing provisions of Section 42 are added amendments, which make the offense of corrupt solicitation of members of the Legislature and other officers therein designated, punishable by imprisonment in the penitentiary, and which require the Legislature to provide:

**First**—For the trial and punishment of these and like offenses; and

**Second**—For the same to be given in charge to the Grand Juries in all the counties of the State.

Section 46 is changed in conformity to less frequent sessions of the Legislature, so as to require a codification of the statutes following that next after ratification of this instrument, once every twelve instead of ten years.

By addition to Section 49, it is made the duty of the Legislature to require the several counties to make adequate provisions for indigent idiots and insane persons.

From Section 52 the committee has struck out the prohibition against the power to tax property of agricultural or horticultural associations, so as to allow the Legislature to impose a tax upon such property. This section is further changed so as to confine the prohibition against taxing school property to that of public schools.

The prohibitions of Section 54 are modified to the extent of permitting the State to construct and own a railroad within its borders. This may become necessary to relieve the people from trusts or monopolies, or from unreasonable exactions on freights and passengers.

Your committee recommend a number of new sections which are restrictive on legislative power, namely:

Against enacting laws for one or more counties, not applicable to all counties in the State; regulating costs and charges of courts and fees of officers;

Against authorizing payment of the salary of a deceased officer beyond the date of his death;

Against retiring any officer on pay, or part pay, or making any grant to such retiring officer;

Against donating, directly or indirectly, lands owned by or under the control of the State, and against selling such lands to corporations or associations for less price than subject to sale to individuals;

Against the remittance, release, postponement, diminution or extinguishment of any obligation or lia-

bility of any persons, corporation, or association to this State, or to any political subdivision thereof, unless upon payment into the proper treasury, except that the Legislature is authorized, by general law, to provide for the compromise of doubtful claims.

These prohibitions are comprised in Sections 55 to 59, both inclusive, of the article herewith reported.

Your committee also report other new provisions as follows:

Sec. 27. Limiting aggregate appropriations during any regular session of the Legislature to the income from the revenues of the State for the current fiscal year, as estimated by the Governor and Auditor.

Sec. 60. Requiring the Legislature to provide, by general laws, for location or removal of county seats by a vote of the people.

Sec. 61. Prohibiting State or County officials from lobbying, or otherwise interfering with the usual course of legislation.

Sec. 62. Prohibits the Legislature from ever authorizing miscegenation, by intermarriage of any white person with a negro, or descendant thereof, to the third generation inclusive. This is recommended, looking to the preservation of the purity of blood of each of the races.

Section 63 is a new section requiring the Legislature to pass efficient laws for the regulation and reasonable restraint of trusts, monopolies and combinations of capital, so as to protect the people against exorbitant prices upon articles of necessity, and to protect reasonable competition in any calling, trade, or business.

Sec. 64. Prescribing a new and more appropriate oath of office, to be administered to Senators and Representatives, than the one which they now take.

Respectfully submitted,

WILLIAM C. OATES, *Chairman.*

An ordinance to create and define the Legislative Department.

Be it ordained by the people of Alabama, in Convention assembled, That Article IV of the Constitution be

stricken out, and the following article inserted in lieu thereof:

## ARTICLE —

### LEGISLATIVE DEPARTMENT.

Section 1. The legislative power of this State shall be vested in a Legislature, which shall consist of a Senate and House of Representatives.

Sec. 2. The style of the laws of this State shall be: "Be it enacted by the Legislature of Alabama," which shall not be repeated, but the act shall be divided into sections for convenience, according to substance, and the sections designated merely by figures.

Each law shall contain but one subject, which shall be clearly expressed in its title, except general appropriation bills, general revenue bills, and bills adopting a code, digest, or revision of statute; and no law shall be revived, amended or the provisions thereof extended or conferred, by reference to its title only; but so much thereof as is revived, amended, extended, or conferred, shall be reenacted and published at length.

Sec. 3. Senators and Representatives shall be elected by the qualified electors on the first Monday in August, nineteen hundred and two, and every four years thereafter, unless the Legislature shall change the time of holding elections; the terms of office of the Senators and Representatives shall be four years, commencing on the day after the general election, except as otherwise provided in this Constitution. Whenever a vacancy shall occur in either House the Governor shall issue a writ of election to fill such vacancy for the remainder of the term.

Sec. 4. Senators shall be at least twenty-seven years of age, and Representatives twenty-one years of age; they shall have been citizens and inhabitants of their respective counties or districts one year next before their election, if such county or district shall have been so long established; but if not, then of the county or

district from which the same shall have been taken; and they shall reside in their respective counties or districts during their terms of service.

Sec. 5. The Legislature shall meet quadrennially, at the Capitol in the Senate Chamber and in the Hall of the House of Representatives, (except in cases of the destruction of the Capitol, or epidemics, when the Governor may convene them at such place in the State as he may deem best), on the day specified in this Constitution, or on such other day as may be prescribed by law; and shall not remain in session longer than sixty days at the first session held under this Constitution, nor longer than fifty days at any subsequent session.

Sec. 6. The pay of members of the Legislature shall be four dollars per day and 10 cents per mile in going to and returning from the seat of government, to be computed by the nearest usual route traveled.

Sec. 7. The Legislature shall consist of not more than thirty-three Senators, and not more than one hundred members of the House of Representatives; to be apportioned among the several districts as prescribed in this Constitution; provided, that upon the creation of any new county it shall be entitled to one Representative in addition to the number above named.

Sec. 8. The Senate, at the beginning of each regular session, at at such other times as may be necessary, shall elect one of its members President thereof, to preside over the deliberations in the absence of the Lieutenant Governor; and the House of Representatives, at the beginning of each regular session, and at such other time as may be necessary, shall elect one of its members as Speaker; and the President of the Senate and the Speaker of the House of Representatives shall hold their offices respectively until their successors are elected and qualified. In case of temporary disability of either of said presiding officers, the House to which he belongs may elect one of its members to preside over that House and to perform all the duties of such officer under disability during the continuance of the same; and such temporary officer, while performing duty as

such, shall receive only the same compensation to which the permanent officer is entitled by law. Each House shall choose its own officers and shall judge of the election, returns and qualifications of its members.

Sec. 9. A majority of each House shall constitute a quorum to do business; but a smaller number may adjourn from day to day and may compel the attendance of absent members, in such manner and under such penalties as each House may provide.

Sec. 10. Each House shall have power to determine the rules of its proceedings and to punish its members or other persons, for contempt or disorderly behavior in its presence; to enforce the obedience to its process; to protect its members against violence, or offers of bribe or corrupt solicitation; and with the concurrence of two-thirds of either House, to expel a member, but not a second time for the same offense; and shall have all the powers necessary for the Legislature of a free State.

Sec. 11. A member of either House expelled for corruption shall not thereafter be eligible to either House, and punishment for contempt or disorderly behavior shall not be an indictment for the same offense.

Sec. 12. Each House shall keep a Journal of its proceedings and cause the same to be published immediately after its adjournment, excepting such parts as, in its judgment, may require secrecy; and the yeas and nays of the members of either House on any question shall, at the desire of one-tenth of the members present, be entered on the Journal. Any member of either House shall have liberty to dissent from or protest against any act or resolution which he may think injurious to the public, or an individual, and have the reasons for his dissent entered on the Journal.

Sec. 13. Members of the Legislature shall, in all cases, except treason, felony, violation of their oath of office, and breach of the peace, be privileged from arrest during their attendance at the session of their respective Houses, and in going to and returning from the same; and for any speech or debate in either House

they shall not be questioned in any other place.

Sec. 14. The doors of each House shall be opened except on such occasions as, in the opinion of the House, may require secrecy, but no person shall be admitted to the floor of either House while the same is in session, except members of the Legislature, the officers and employes of the two Houses, the Governor and his secretaries, representatives of the press, and such other persons to whom either House, by unanimous vote, may extend the privileges of its floor.

Sec. 15. Neither House shall, without consent of the other, adjourn for more than three days, nor to any other place than that in which they may be sitting.

Sec. 16. No Senator or Representative shall, during the term for which he shall have been elected, be appointed to any office of profit under this State, which shall have been created, or the emoluments of which shall have been increased during such term, except such offices as may be filled by election by the people.

Sec. 17. No person hereafter convicted of embezzlement of the public money, bribery, perjury, or other infamous crime, shall be eligible to the Legislature, or capable of holding any office of trust or profit in this State.

Sec. 18. No law shall be passed except by bill, and no bill shall be so altered or amended on its passage through either House as to change its original purpose.

Sec. 19. No bill shall become a law until it shall have been referred to a standing committee of each House, acted upon by the committees in session, and returned therefrom, which fact shall affirmatively appear upon the Journal of each House.

Sec. 20. Every bill shall be read on three different days in each House, and no bill shall become a law unless on its final passage it be read at length, and the vote be taken by yeas and nays, the names of the members voting for and against the same to be entered on the Journal, and a majority of each House be recorded thereon as voting in its favor, except as otherwise provided in this Constitution.



Sec. 21. No amendment to bills shall be adopted except by a majority of the House wherein the same is offered, nor unless the amendment with the name of those voting for and against the same shall be entered at length on the Journal of the House in which the same is adopted, and no amendment to bills by one House shall be concurred in by the other, unless by a vote taken by yeas and nays, and the names of the members voting for and against the same be recorded at length on the Journal; and no report of a committee of conference shall be adopted in either House, except upon a vote taken by yeas and nays, and entered on the Journal, as herein provided for adoption of amendments.

Sec. 22. The Legislature shall pass general laws under which local and private interests shall be provided for and protected.

Sec. 23. The Legislature shall have no power to authorize lotteries or gift enterprises for any purpose, and shall pass laws to prohibit the sale of lottery or gift enterprise tickets, or tickets in any scheme in the nature of a lottery, in this State; and all acts, or parts of acts heretofore passed by the Legislature of this State, authorizing a lottery or lotteries and all acts amendatory thereof, or supplemental thereto, are hereby avoided.

Sec. 24. The presiding officer of each House shall, in the presence of the House over which he presides, sign all bills and joint resolutions passed by the Legislature, after the same shall have been publicly read at length, immediately before the signing, and the fact of reading and signing shall be entered upon the Journal; but the reading at length may be dispensed with by a two-thirds vote of a quorum present, which fact shall also be entered on the Journal.

Sec. 25. The Legislature shall prescribe the number, duties and compensation of the officers and employes of each House, and no payment shall be made from the State Treasury or be in any way authorized to any person except to an acting officer or employe elected or appointed in pursuance of law.

Sec. 26. The Legislature shall have no power to grant or to authorize or require any county or municipal authority to grant, nor shall any county or municipal authority have power to grant any extra compensation, fee, or allowance to any public officer, servant, or employe, agent or contractor, after services shall have been rendered or contract made; nor shall any officer of the State bind the State to the payment of any sum of money but by authority of law.

Sec. 27. During any regular session of the Legislature the aggregate appropriations made shall not exceed in amount the income from the revenues of the State for the current fiscal year, as estimated by the Governor and Auditor.

Sec. 28. All stationery, printing, paper and fuel used in the legislative and other departments of government shall be furnished and the printing and distribution of laws, Journals, department reports and all other printing and binding and repairing and furnishing the halls and rooms used for the meeting of the Legislature and its committees, shall be performed under contract, to be given to the lowest responsible bidder below a maximum price, and under such regulations as shall be prescribed by law; no member or officer of any department of the government shall be in any way interested in such contracts, and all such contracts shall be subject to the approval of the Governor, Auditor and Treasurer.

Sec. 29. All bills for raising revenue shall originate in the House of Representatives; but the Governor, Auditor, Treasurer and Attorney General shall, before each regular session of the Legislature, prepare a general revenue bill, to be submitted to the Legislature for its action, and the Secretary of State shall have printed for the use of the Legislature a sufficient number of copies of the bill so prepared which the Governor shall transmit to the House of Representatives as soon as organized. The Senate may propose amendments to revenue bills. No appropriation or revenue bill shall be passed during the last five days of the session.

Sec. 30. The general appropriation bill shall em-

brace nothing but appropriations for the ordinary expenses of the Executive, Legislative and Judicial departments of the State, interest on the public debt, and for the public schools. The salary of no officer or employe shall be increased in such bill, nor shall any appropriation be made for any officer or employe unless his employment and the amount of his salary have already been provided for by law. All other appropriations shall be made by separate bill, and each embracing but one subject.

Sec. 31. No money shall be paid out of the Treasury except upon appropriation made by law, and on warrant drawn by the proper officer in pursuance thereof; and a regular statement and account of receipts and expenditures of all public moneys shall be published annually, in such manner as may be by law directed.

Sec. 32. No appropriation shall be made to any charitable or educational institution not under the absolute control of the State, other than normal schools established by law for the professional training of teachers for the public schools of the State, except by vote of two-thirds of all members elected to each House.

Sec. 33. No act of the Legislature shall authorize the investment of any trust fund by executors, administrators, guardians and other trustees in the bonds or stock of any private corporation; and any such acts now existing are avoided, saving investments heretofore made.

Sec. 34. The power to change the venue in civil and criminal cases is vested in the courts, to be exercised in such manner as shall be provided by law.

Sec. 35. When the Legislature shall be convened in special session there shall be no legislation upon subjects other than those designated in the proclamation of the Governor calling such session, except by a vote of two-thirds of each House.

Sec. 36. No State office shall be continued or created for the inspection or measuring of any merchandise, manufactured or commodity, but any county or municipality may appoint such officers when authorized by law.

Sec. 37. No act of the Legislature changing the seat of government of the State shall become a law until the same shall have been submitted to the qualified electors of the State at a general election, and approved by a majority of such electors voting on the same; and such act shall specify the proposed new location.

Sec. 38. A member of the Legislature who shall corruptly solicit, demand or receive, or consent to receive, directly or indirectly, for himself or for another, from any company, corporation or person, any money office, appointment, employment, reward, thing of value, or enjoyment, or personal advantage or promise thereof, for his vote or official influence or for withholding the same, or with an understanding, expressed or implied, that his vote or official action shall in any way be influenced thereby; or who shall solicit or demand any such money or other advantage, matter or thing aforesaid, for another as the consideration of his vote or official influence, or for withholding the same; or shall give or withhold his vote or influence in consideration of the payments or promise of such money, advantage, matter or thing to another, shall be guilty of bribery within the meaning of this Constitution; and shall incur the disabilities provided thereby for such offense, and such additional punishment as is or shall be provided by law.

Sec. 39. Any person who shall directly or indirectly offer, give or promise any money, or thing of value, testimonial, privilege, or personal advantage, to any executive or judicial officer or member of the Legislature to influence him in the performance of any of his public or official duties, shall be guilty of bribery and be punished in such manner as shall be provided by law.

Sec. 40. The offence of corrupt solicitation of members of the Legislature or of public officers of this State or of any municipal division thereof, and any occupation or practice of solicitation of such members or officers, to influence their official action, shall be defined by law, and shall be punished by fine and imprisonment in the penitentiary; and the Legislature shall provide

for the trial and punishment of the offenses enumerated in the two preceding sections, and shall require the Judges to give the same specially in charge to the Grand Juries in all the counties of this State.

Sec. 41. A member of the Legislature who has a personal or private interest in any measure or bill, proposed or pending before the Legislature, shall disclose the fact to the House of which he is a member, and shall not vote thereon.

Sec. 42. In all elections by the Legislature, the members shall vote viva voce, and the votes shall be entered on the Journals.

Sec. 43. It shall be the duty of the Legislature to pass such laws as may be necessary and proper to decide differences by arbitrators, to be appointed by the parties, who may choose that mode of adjustment.

Sec. 44. It shall be the duty of the Legislature, at its first session after the ratification of this Constitution, and within every subsequent period of twelve years, to make provision by law for the revision, digesting and promulgation of the public statutes of this State, of a general nature, both civil and criminal.

Sec. 45. The Legislature shall pass such penal laws as they may deem expedient, to suppress the evil practice of dueling.

Sec. 46. It shall be the duty of the Legislature to regulate by law the cases in which deduction shall be made from the salaries of public officers for neglect of duty in their official capacities, and the amount of such deduction.

Sec. 47. It shall be the duty of the Legislature to require the several counties of this State to make adequate provision for the maintenance of the poor, indigent, idiots and insane persons.

Sec. 48. The Legislature shall not have power to authorize any municipal corporations to pass any laws inconsistent with the general laws of this State.

Sec. 49. In the event of annexation of any foreign territory to this State, the Legislature shall enact laws extending to the inhabitants of the acquired territory

all the rights and privileges which may be required by the terms of the acquisition, anything in this Constitution to the contrary notwithstanding.

Sec. 50. The Legislature shall not tax the property, real or personal, of the State, counties or other municipal corporations, or cemeteries; nor lots in incorporated cities or towns, or within one mile of any city or town, to the extent of one acre, nor lots one mile or more distant from such cities or towns, to the extent of five acres, with the buildings thereon, when the same are used exclusively for religious worship, for public schools or for purposes purely charitable.

Sec. 51. The Legislature shall, by law, prescribe such rules and regulations as may be necessary to ascertain the value of personal and real property, exempted from sale under legal process by this Constitution; and to secure the same to the claimant thereof as selected.

Sec. 52. The State may construct and own works of internal improvement, having for their object the conveyance or transportation of passengers and freight, but shall not sell or mortgage such improvement, nor lend its money or credit in aid of such; nor shall the State be interested in any private or corporate enterprise, or lend money or its credit to any individual, association or corporation.

Sec. 53. The Legislature shall have no power to authorize any county, city, town or other subdivision of this State to lend its credit, or to grant public money or thing of value, in aid of, or to any individual, association or corporation whatsoever, or to become a stockholder in any such corporation, association, or company by issuing bonds or otherwise.

Sec. 54. There can be no law of this State impairing the obligation of contracts by destroying or impairing the remedy for their enforcement; and the Legislature shall have no power to revive any right or remedy which may have become barred by lapse of time, or by any statute of this State.

Sec. 55. The Legislature shall not enact any law for one or more counties not applicable to all the counties

in the State; increasing the uniform charge for the registration of deeds and conveyances or regulating costs and charges of courts, or fees, commissions or allowances of public officers.

Sec. 56. The Legislature shall not authorize payment to any person of the salary of a deceased officer beyond the date of his death.

Sec. 57. The Legislature shall not retire any officer on pay, or part pay, or make any grant to such retiring officer.

Sec. 58. Lands belonging to, or under the control of the State shall never be donated directly or indirectly to private corporations or individuals, or railroad companies; nor shall such lands be sold to corporations or associations for a less price than that for which it is subject to sale to individuals; provided, that nothing contained in this section shall prevent the Legislature from granting a right of way, not exceeding 100 feet in width, as a mere easement, to railroads across State land, and the Legislature shall never dispose of the land covered by said right of way, except subject to said easement.

Sec. 59. No obligation or liability of any person, association or corporation held or owned by this State, or by any county, or other municipality thereof, shall ever be remitted, released, or postponed, or in any way diminished, by the Legislature; nor shall such liability or obligation be extinguished except by payment thereof into the proper treasury; nor shall such liability, or obligation be exchanged or transferred except upon payment of its face value; provided, that this section shall not prevent the Legislature from providing, by general law, for the compromise of doubtful claims.

Sec. 60. The Legislature shall provide, by general laws, for the location or removal of county seats by a vote of the people of the county to be affected.

Sec. 61. No State or county official shall, at any time during his term of office, accept, either directly or indirectly, any fee, money, office, appointment, employment, reward or thing of value, or of personal advan-

tage, or the promise thereof, to lobby for or against any measure pending before the Legislature, or to give or withhold his influence to secure the passage or defeat of any such measure.

Sec. 62. The Legislature shall never pass any law to authorize or legalize any marriage of any white person and a negro or descendant of a negro to the third generation inclusive, though one ancestor of each generation be a white person.

Sec. 63. The Legislature shall provide by law for the regulation and reasonable restraint of trusts, monopolies and combinations of capital, so as to prevent them from making, by such artificial means, articles of necessity, trade or commerce scarce or by increasing the cost thereof to the consumer, or by preventing reasonable competition in any calling, trade or business.

Sec. 64. The Senators and Representatives shall, before entering on their official duties, take the following oath, to-wit: "I, \_\_\_\_\_, do solemnly swear (or affirm, as the case may be), that I will support the Constitution of the United States and of the State of Alabama, and particularly observe and obey all the provisions of the latter relating to the Legislative Department, to the best of my ability, so help me God."

#### QUESTION OF PRIVILEGE.

Mr. Brooks arose to a question of privilege as a member of the committee, and challenged the correctness of the report as to Section — on the subject of trusts, stating that the ordinance introduced by himself on that subject had been adopted by the committee after the subject had been three times considered, and that the chairman of the committee himself voted for it; that the report was not correct as to the action of the committee as to that section.

Mr. Oates, chairman of the Committee on Legislative Department, moved that the ordinance 366, "To define a trust and to prohibit the same in this State," be printed with the report of the Committee on Legislative Department.



The motion prevailed and the ordinance was ordered printed, with the report of the committee.

#### MINORITY REPORT.

Mr. Oates stated to the Convention that Mr. Weatherly, a member of the Committee on Legislative Department, desired to submit a minority report, and moved that said member of the committee be allowed one day's time in which to file same.

The motion prevailed, and Mr. Weatherly was granted one day's time in which to prepare his report.

#### SPECIAL ORDER.

On motion of Mr. Oates, the report of the Committee on Legislative Department be made a special order for consideration immediately after the conclusion of the consideration of the report of the Committee on Banks and Banking.

The motion prevailed and the report of the committee was set for a special order as above.

#### AMENDING THE CONSTITUTION AND MISCELLANEOUS

#### PROVISIONS.

Mr. Foster, chairman of the Committee on Amending the Constitution and Miscellaneous Provisions, submitted the following reports, which were read at length and placed upon the calendar and 300 copies of said reports were ordered printed.

Report of the Committee on Amending the Constitution and Miscellaneous Provisions.

*Mr. President:*

The Committee on Amending the Constitution and Miscellaneous Provisions beg leave to report herewith an ordinance to take the place of Article XVI of the present Constitution.

The only matters in which the report of the commit-

tee differs from the article in the present Constitution are the following:

1. Section II of the article in the present Constitution is made Section 3 in the report.

2. A new section number 2 in the report has been added forbidding the increase or diminution of the compensation of any public officer during the term for which he shall have been elected.

Respectfully submitted,

J. M. FOSTER, *Chairman.*

An ordinance to amend Article XVI of the Constitution.

Be it ordained by the people of Alabama, in Convention assembled, That Article XVI of the Constitution be stricken out, and the following article inserted in lieu thereof:

## ARTICLE —

### MISCELLANEOUS PROVISIONS.

1. No person holding an office of profit under the United States, except postmasters, whose annual salaries do not exceed \$200, shall, during his continuance in such office, hold any office of profit under this State; nor shall any person hold two offices of profit at one and the same time under this State, except Justices of the Peace, Notaries Public, and Commissioner of Deeds.

2. The salary, fees or compensation of any officer holding any civil office of profit under this State or any county or municipality thereof shall not be increased or diminished during the term for which he shall have been elected or appointed.

3. It is made the duty of the General Assembly to enact all laws necessary to give effect to the provisions of this Constitution.

Report of the Committee on Amending the Constitution and Miscellaneous Provisions.

*Mr. President :*

The Committee on Amending the Constitution and Miscellaneous Provisions beg leave to report herewith an ordinance to take the place of Article XVII of the present Constitution.

The committee does not report specially upon all ordinances referred to it, but has embodied the ideas of some of them in this report. All ordinances referred to your committee are herewith respectfully returned.

The material particulars in which this report differs from the article in the present Constitution are as follows :

1. Section 1 has been rewritten so as to require the assent of three-fifths of all the members elected to each House of the General Assembly, to proposed amendments before the same can be submitted to the people. The committee was aware that doubt existed as to whether the language of this article in the Constitution required two-thirds of all the members elected to each House, or only two-thirds of a quorum of each House, and that it was susceptible of the latter construction. The committee deemed it best that more than a majority of all the members elected to each *House* should approve the amendments before they should be submitted, and thought it advisable to express the requirement in language that cannot be misunderstood.

2. The General Assembly has been given the option of ordering that the proposed amendments be voted on at a general election, or at a special election called for that purpose, as it might think best.

3. A new section numbered 2 in the report, has been added. This section provides that on the ballot to be used at election on proposed amendments the subject matter of each amendment shall be printed in language which shall clearly indicate the nature of the amendment.

4. Section 2 of the article in the present Constitution is numbered 3 in the report, and has been changed so as to prevent the call of a Constitutional Convention unless such call shall first receive the affirmative vote of a majority of all the members elected to each House

of the General Assembly. This section has also been amended so as to forbid the repeal of an act calling a Constitutional Convention except at the same session of the General Assembly at which the act was passed.

5. A new section, numbered 4 in the report, has been added, requiring an aye and nay vote by the members of the General Assembly on all propositions to amend the Constitution, and to call a Constitutional Convention. This section also makes it plain that the approval of the Governor is not necessary to give validity to any act or resolution of the General Assembly proposing amendments to the Constitution, or calling a Constitutional Convention.

Respectfully submitted,

J. M. FOSTER, *Chairman.*

An ordinance to prescribe the mode in which the Constitution may be amended.

Be it ordained by the people in Convention assembled, That Article XVII of the Constitution be stricken out, and the following article inserted in lieu thereof:

## ARTICLE XVII.

### MODE OF AMENDING THE CONSTITUTION.

1. Amendments may be proposed to this Constitution by the General Assembly in the manner following: The proposed amendments shall be read in the House in which they originate on three several days, and if upon the third reading three-fifths of all the members elected to that House shall vote in favor thereof the proposed amendments shall be sent to the other House, in which they shall likewise be read on three several days, and if upon the third reading, three-fifths of all the members elected to that House shall vote in favor of the proposed amendments, the General Assembly shall order an election by the qualified electors of the State upon such proposed amendments, to be held either at the general election next succeeding the session of the General Assem-

bly at which the amendments are proposed or upon another day appointed by the General Assembly not less than three months after adjournment of the session of the General Assembly at which the amendments are proposed. Notice of such election, together with the proposed amendments shall be given by proclamation of the Governor, which shall be published in every county in such manner as the General Assembly shall direct, for at least eight weeks successively next preceding the day appointed for such election. On the day so appointed an election shall be held for the vote of the qualified electors of the State on the proposed amendments. If such election be held on the day of the general election, the officers of the general election shall open a poll for the vote of the qualified electors on the proposed amendments; if it be held on a day other than that of a general election, officers for such election shall be appointed and the election shall be held in all things in accordance with the law governing general elections. In all elections upon such proposed amendments the votes cast thereat shall be canvassed, tabulated, and returns thereof made to the Secretary of State, and counted, in the same manner as is done in elections for Representatives in the General Assembly, and if it shall thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendments, in favor of the same, such amendments shall be valid to all intents and purposes, as parts of this Constitution. The result of such election shall be made known by proclamation of the Governor.

2. Upon the ballots to be used at all elections provided in Section 1 of this article, the substance or subject matter of each proposed amendment shall be printed so that the nature thereof shall be clearly indicated, following each proposed amendment on the ballot shall be printed the words "Yes" and immediately following that shall be printed the word "No." The choice of the elector shall be indicated by a cross mark before the answer he desires.

3. No convention shall hereafter be held for the pur-

pose of altering or amending the Constitution of this State, unless after the General Assembly, by a vote of a majority of all the members elected to each House, has passed an act or resolution calling a Convention for such purpose, the question of Convention or No Convention shall first be submitted to a vote of all the qualified electors of the State, and approved by a majority of those voting at such election. No act or resolution of the General Assembly calling a convention for the purpose of altering or amending the Constitution of this State shall be repealed except upon the vote of a majority of all the members elected to each House at the same session at which such act or resolution was passed.

4. All votes of the General Assembly upon proposed amendments to this Constitution, and upon bills or resolutions calling a Convention for the purpose of altering or amending the Constitution of this State shall be taken by yeas and nays and entered on the Journals. No act or resolution of the General Assembly passed in accordance with the provisions of this article proposing amendments to this Constitution, or calling a convention for the purpose of altering or amending the Constitution of this State shall be submitted for the approval of the Governor, but shall be valid without his approval.

Report of the Committee on Amending the Constitution and Miscellaneous Provisions.

*Mr. President:*

Your Committee on Amending the Constitution and Miscellaneous Provisions, to which was referred ordinance No. 390, by Mr. Spears, of St. Clair, has instructed me to report favorably the accompanying substitute for said ordinance. The committee was not unanimous as to the policy of adopting this ordinance, some of its members reserving the right to oppose its adoption.

Under instructions from the Committee, the chairman reports, for the information of the Convention, the facts showing the necessity of a court house in the district affected, without recommendation as to the policy of adopting ordinances which are local in their

operation and within the province of the Legislature.

St. Clair county is divided into two parts by Back Bone mountain, which runs entirely across the county from east to west. The two portions into which it is thus divided are nearly equal in area and population, while the larger portion of the wealth of the county is in that portion which lies south of the mountain. A greater portion of the litigation in the county originates in the territory south of the mountain, and a greater number of the parties and witnesses who attend the courts in St. Clair county are from that territory. The mountain is rugged and barren, and not inhabited. Immediately north of the mountain stretches a level plain called "The Flat Woods," which is also barren and uninhabited, and which, in wet weather, is boggy and difficult of passage. The roads over the mountain and through "The Flat Woods" are almost impassable, and the character of the country over which they run is such that the revenues of the county are insufficient to put them in good condition. The only railroad route between the portion of the county affected by this ordinance and the county seat is by way of Birmingham, a distance of 80 miles. There is no trade between the residents on the south side of the mountain and the county seat. Attendance upon court is about the only business which takes people living on the south side of the mountain to the county seat. The people on both sides of the mountain seem to be practically united in the desire for a court house on the south side of the mountain.

The above facts are stated upon information obtained from reputable citizens of St. Clair county who have been before your committee. These gentlemen were all Democrats except Col. Spears, who introduced the ordinance. This fact is stated so that the Convention may be informed that the adoption of this ordinance is desired by all the people, and not by those of one political faith only.

The committee has had before it letters from the Probate Judge and Circuit Clerk of St. Clair county, from

the Solicitor of the circuit which embraces that county, and from other prominent citizens of the county, among others Judge Inzer and Judge Greene, all recommending the adoption of this ordinance, if the Convention sees fit to take up any matter of this kind.

Respectfully submitted,

J. M. FOSTER, *Chairman.*

An ordinance to provide for the establishment of a court house and jail at some point to be determined by an election by the people, in that portion of St. Clair which lies south and southeast of Back Bone mountain, and which is embraced in precincts numbered 9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 20 and 21, in said county.

Be it ordained by the people of Alabama, in Convention assembled :

First—That it shall be the duty of the Probate Judge of St. Clair county to order an election to be held in precincts numbered 9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 20 and 21, in St. Clair county, not later than sixty days after the ratification of the Constitution to be submitted by this Convention, for a vote of the qualified electors in said precincts, at which a court house and jail shall be erected and maintained. Officers for such election shall be appointed, and the election, in all things in accordance with the law governing general elections. Upon the ballot to be used at such election the names of all places to be voted on shall be printed, and the choice of the elector shall be indicated by a cross mark before the place of his choice. The votes cast at such election shall be canvassed, tabulated, returns thereof made, and counted, in the same manner as is done in elections for Sheriff and other county officers. At the place receiving the highest number of votes at such election there shall be erected and maintained a court house and jail for the trial of all cases, and the transactions of all legal business originating in said precincts 9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 20 and 21.

The venue of all actions and suits (other than such as are to be tried before Justices of the Peace), in which



only residents of that portion of said St. Clair which lies south and southeast of Back Bone mountain, are defendants, shall, except as otherwise provided by law, be at the court house herein provided for; provided, however, that Asheville, in St. Clair county, shall continue to be the county seat until changed by vote of the qualified electors residing in that part of St. Clair county which lies north and northwest of said Back Bone mountain.

2. The Court of County Commissioners of St. Clair county shall, at its first regular meeting after the election provided for in Sec. 1 of this ordinance, take all the necessary steps and make all necessary orders to issue and sell bonds of St. Clair county to the amount of \$10,000, the proceeds to be used only for the erection and equipment of such court house and jail, or to provide by other means a sufficient amount of money to erect a suitable court house and jail at the place which shall have been selected in accordance with said Section 1, and to properly equip and furnish the same with record books and other necessary equipments; provided, however, that if said Court of County Commissioners shall levy a tax for such purpose, such tax shall be levied on all taxable property in said county, but all of such tax shall not be levied and collected in one year. And provided further, that such court house and jail shall be completed in every way and shall be ready for the holding of court and the transaction of legal business on or before the first day of the spring term, 1903, of the Circuit Court of St. Clair county.

3. The Sheriff, Probate Judge, Circuit Clerk, Register in Chancery, Tax Assessor, Tax Collector, and Superintendent of Education of St. Clair county, shall keep offices in the court house which shall be built in accordance with the provisions of this ordinance.

4. The General Assembly at its first meeting after the ratification of the Constitution to be submitted to the people by this Convention, shall enact laws regulating the holding of courts at the court house provided for in this ordinance.

5. This ordinance shall be valid and effective if the Constitution which shall be framed by this Convention be ratified by the people. Otherwise it shall be void.

SCHEDULE, PRINTING AND INCIDENTAL EXPENSES.

Mr. Heflin, of Randolph, chairman of the committee, submitted the following report, which was laid upon the table, and 300 copies of the same were ordered printed:  
*Mr. President:*

The Committee on Schedule, Printing and Incidental Expenses have instructed me to make the following partial report, viz.:

The committee have audited the accounts hereto attached, and find that the State of Alabama is indebted to the Brown Printing Company, of Montgomery, Ala., in the sum of \$255.25. We find that said State is indebted to Marshall & Bruce, of Nashville, Tenn., the sum of \$12. We also find that said State is indebted to Ed. C. Fowler Co., of Montgomery, Ala., in the sum of \$24.75.

All of the above amounts are for articles furnished the State of Alabama for the use of the Constitutional Convention, and all of the above amounts are itemized as shown by bills hereto attached. Total amount, \$302. And we recommend the payment of the same, all of which is respectfully submitted.

JOHN T. HEFLIN,  
Chairman of Committee on Schedule, Printing and Incidental Expenses.

REPRESENTATION.

Mr. Pitts, chairman of the Committee on Representation, submitted the following report, which was read at length, and placed upon the calendar, and 300 copies of the report were ordered printed:

REPORT OF THE COMMITTEE ON REPRESENTATION.

*Mr. President:*

The Committee on Representation instructs me to

submit the following ordinance for adoption as Article — of the Constitution of the State of Alabama, viz.:

## ARTICLE —

**Section 1.** The whole number of Senators shall be not less than one-fourth, or more than one-third of the whole number of Representatives.

**Sec. 2** The House of Representatives shall consist of not more than one hundred and five members, unless new counties are created, in which event each county shall be entitled to one Representative. The members of the House of Representatives shall be apportioned by the General Assembly among the several counties of the State, according to the number of inhabitants in them respectively, as ascertained by the decennial census of the United States; which apportionment when made shall not be subject to alteration until the next session of the General Assembly after the next decennial census of the United States shall have been taken.

**Sec. 3.** It shall be the duty of the General Assembly at its first session after the taking of the decennial census of the United States in the year 1910, and after each subsequent decennial census, to fix by law the number of Representatives, and apportion them among the several counties of the State, according to the number of inhabitants in them respectively; provided, that each county shall be entitled to at least one Representative.

**Sec. 4.** It shall be the duty of the General Assembly at its first session after the taking of the decennial census of the United States in the year 1910, and after each subsequent decennial census, to fix by law the number of Senators, and to divide the State into as many Senatorial districts as there are Senators, which districts shall be as nearly equal to each other in the number of inhabitants as may be, and each shall be entitled to one Senator, and no more; and which districts, when formed, shall not be changed until the next apportioning session of the General Assembly after the next decennial census of the United States shall have been taken; pro-

vided, that counties created after the next preceding apportioning session of the General Assembly may be attached to Senatorial districts. No county shall be divided between two districts, and no district shall be made of two or more counties not contiguous to each other.

Sec. 5. Should the decennial census of the United States, from any cause, not be taken, or if when taken, the same, as to this State, is not fully satisfactory, the General Assembly shall have power at its first session after the time shall have elapsed for the taking of said census, to provide for an enumeration of all the inhabitants of this State, and once in each ten years thereafter, upon which it shall be the duty of the General Assembly to make the apportionment of Representatives and Senators, as provided for in this article.

Sec. 6. Until the General Assembly shall make an apportionment of Representatives among the several counties, at its first session after the taking of the decennial census of the United States in the year nineteen hundred and ten, as herein provided, the counties of Antauga, Baldwin, Bibb, Blount, Cherokee, Chilton, Choctaw, Clay, Cleburne, Coffee, Colbert, Conecuh, Coosa, Covington, Crenshaw, Cullman, Dale, DeKalb, Escambia, Fayette, Franklin, Geneva, Greene, Lamar, Lawrence, Limestone, Macon, Marion, Marshall, Monroe, Pickens, Randolph, St. Clair, Shelby, Washington, and Winston shall each have one Representative; the counties of Barbour, Bullock, Butler, Calhoun, Chambers, Clarke, Elmore, Etowah, Hale, Henry, Jackson, Lauderdale, Lee, Lowndes, Madison, Marengo, Morgan, Perry, Pike, Russell, Sumter, Talladega, Talapoosa, Tuscaloosa, Walker and Wilcox shall each have two Representatives; the counties of Dallas and Mobile shall each have three Representatives; the county of Montgomery shall have four Representatives; and the county of Jefferson shall have seven Representatives.

Sec. 7. Until the General Assembly shall divide the State into Senatorial districts, as herein provided, the Senatorial districts shall be as follows:

First district, Lauderdale and Limestone; Second district, Lawrence and Morgan; Third district, Blount, Cullman and Winston; Fourth district, Madison; Fifth district, Jackson and Marshall; Sixth district, Etowah and St. Clair; Seventh district, Calhoun; Eighth district, Talladega; Ninth district, Chambers and Randolph; Tenth districts, Talapoosa and Elmore; Eleventh district, Tuscaloosa; Twelfth district, Fayette, Lamar and Walker; Thirteenth district, Jefferson; Fourteenth district, Pickens and Sumter; Fifteenth District, Autauga, Chilton and Shelby; Sixteenth district, Lowndes; Seventeenth district, Butler, Conecuh and Covington; Eighteenth district, Bibb and Perry; Nineteenth district, Choctaw, Clarke and Washington; Twentieth district, Marengo; Twenty-first district, Baldwin, Escambia and Monroe; Twenty-second district, Wilcox; Twenty-third district, Henry; Twenty-fourth district, Barbour; Twenty-fifth district, Coffee, Crenshaw and Pike; Twenty-sixth district, Bullock and Macon; Twenty-seventh district, Lee and Russell; Twenty-eighth district, Montgomery; Twenty-ninth district, Cherokee and DeKalb; Thirtieth district, Dallas; Thirty-first district, Colbert, Franklin and Marion; Thirty-second district, Greene and Hale; Thirty-third district, Mobile; Thirty-fourth district, Cleburne, Clay and Coosa; Thirty-fifth district, Dale and Geneva.

I return herewith all ordinances referred to committee.

P. H. PITTS,  
Chairman Committee on Representation.

*Mr. President:*

I submit herewith a report of a minority of the Committee on Representation.

P. H. PITTS,  
Chairman Committee on Representation.

#### MINORITY REPORT OF COMMITTEE ON REPRESENTATION.

The minority of the Committee on Representation dissent from the recommendations of the majority, and

recommend that the number of Representatives remain one hundred, and the Senators thirty-three.

That the apportionment of Senators and Representatives remain as they are until the next session of the General Assembly, which *may* reapportion them, and after the decennial census of 1910 *shall* reapportion them.

J. W. GRAYSON,  
C. H. GREER.

MINORITY REPORT OF COMMITTEE ON REPRESENTATION.

*Mr. President :*

The undersigned, members of the Committee on Representation, beg leave to submit the following report :

We recommend that Section 2 be amended by striking out the words "one hundred and five members," and insert "one hundred members;" also by striking out the words "next session" and insert "first session."

We also recommend the striking out all the first part of Section 3 down to the words "fixed by law" and insert in lieu "The General Assembly may, after the adoption of this Constitution, and shall after its first session, after each decennial census of the United States thereafter."

We further recommend the striking out of all the first part of Section 4 down to the words "into as many Senatorial districts" and insert instead "The General Assembly may, after the adoption of this Constitution, and shall at its first session after each decennial census of the United States thereafter, fix by law the number of Senators, and divide the State."

We further recommend that Section 6 be amended as follows :

Section 6. Until the General Assembly shall make an apportionment of Representatives among the several counties, the counties of Autauga, Baldwin, Bibb, Blount, Butler, Cherokee, Chilton, Choctaw, Clay, Clebourne, Coffee, Colbert, Conecuh, Coosa, Covington, Crenshaw, Cullman, Dale, DeKalb,

Elmore, Escambia, Etowah, Fayette, Franklin, Geneva, Greene, Lamar, Lawrence, Limestone, Macon, Marion, Marshall, Monroe, Pickens, Randolph, Shelby, St. Clair, Walker, Washington, Winston, shall each elect one Representative; the counties of Barbour, Bullock, Calhoun, Chambers, Clarke, Hale, Henry, Jackson, Lee, Lauderdale, Lowndes, Madison, Marengo, Morgan, Perry, Pike, Russell, Sumter, Talladega, Tallapoosa, Tuscaloosa and Wilcox shall each elect two Representatives; the counties of Dallas and Mobile shall each elect three Representatives; the county of Montgomery shall elect four representatives; and the county of Jefferson shall elect six Representatives.

We further recommend that Section 7 be amended as follows:

Sec. 7. Until the General Assembly shall divide the State into Senatorial districts, the Senatorial districts shall be:

First district, Lauderdale and Limestone; Second district, Lawrence and Morgan; Third district, Blount, Cullman and Winston; Fourth district, Madison; Fifth district, Jackson and Marshall; Sixth district, Etowah and St. Clair; Seventh district, Calhoun and Cleburne; Eighth district, Talladega and Clay; Ninth district, Chambers and Randolph; Tenth district, Tallapoosa and Coosa; Eleventh district, Tuscaloosa; Twelfth district, Fayette, Lamar and Walker; Thirteenth district, Jefferson; Fourteenth district, Pickens and Sumter; Fifteenth district, Elmore, Chilton and Shelby; Sixteenth district, Autauga, Lowndes, Seventeenth district, Butler, Conecuh and Covington; Eighteenth district, Bibb and Perry; Nineteenth district, Choctaw, Clarke and Washington; Twentieth district, Marengo; Twenty-first district, Baldwin, Escambia and Monroe; Twenty-second district, Wilcox; Twenty-third district, Henry, Dale and Geneva; Twenty-fourth district, Barbour; Twenty-fifth district, Coffee, Crenshaw and Pike; Twenty-sixth district, Bullock and Macon; Twenty-seventh district, Lee and Russell; Twenty-eighth district, Montgomery;

Twenty-ninth district, Cherokee and DeKalb;  
Thirtieth district, Dallas; Thirty-first district,  
Colbert, Franklin and Marion; Thirty-second  
district, Greene and Hale; Thirty-third district, Mobile;  
Respectfully submitted,

J. W. GRAYSON,  
C. H. GREER.

#### UNFINISHED BUSINESS.

The Convention proceeded to the consideration of the unfinished business, which was the report of the Committee on Taxation.

The question was upon the amendment offered by Mr. White to Section 1 of the Article XI reported by the Committee on Taxation.

Mr. White offered the following substitute for the pending amendment:

No tax shall be imposed or license required of the manufacturer or producer of any commodity or merchandise for selling or exchanging the same, and no inspection tax or license shall be imposed for the inspection or analyzing of any such commodity or merchandise in excess of the reasonable cost of such inspection or analysis; provided, the tag tax now imposed by law may remain in force until September 30th, 1903; and provided further, that the provisions of this section shall not apply to the manufacture of vinous, spirituous or malt liquors.

#### RECESS.

Pending the further consideration of the report of the Committee on Taxation, and the pending amendments, the hour of 1 o'clock arrived, and under the rules the Convention recessed until 3 o'clock this afternoon.



## AFTERNOON SESSION.

The Convention met pursuant to adjournment.

## ROLL CALL.

On a call of the roll of the Convention, the following delegates answered to their names, which constituted a quorum :

Messrs. President,	Davis (Etowah),
Almon,	Dent,
Ashcraft,	deGraffenreid,
Banks,	Duke,
Barefield,	Eley,
Bartlett,	Eyster,
Beavers,	Espy,
Beddow,	Fitts,
Bethune,	Fletcher,
Blackwell,	Foshee,
Boone,	Foster,
Brooks,	Freeman,
Browne,	Gilmore,
Bulger,	Glover,
Burnett,	Graham (Montgomery),
Burns,	Graham (Talladega),
Byars,	Grant,
Cardon,	Grayson,
Carmichael (Colbert),	Greer (Calhoun),
Carmichael (Coffee),	Greer (Perry),
Carnathan,	Haley,
Case,	Harrison,
Chapman,	Heflin (Chambers),
Cobb,	Heflin (Randolph),
Cofer,	Henderson,
Coleman (Greene),	Hodges,
Coleman (Walker),	Hood,
Cornwell,	Howell,
Craig,	Howze,
Cunningham,	Inge,
Davis (DeKalb),	Jackson,

Jenkins,	Pillans,
Jones (Bibb),	Pitts,
Jones (Hale),	Porter,
Jones (Wilcox),	Proctor,
Kirk,	Reese,
Kirkland,	Reynolds (Chilton),
Knight,	Reynolds (Henry),
Kyle,	Robinson,
Ledbetter,	Rogers (Lowndes),
Leigh,	Rogers (Sumter),
Locklin,	Samford,
Lomax,	Sanders,
Long (Butler),	Sanford,
Long (Walker),	Searcy,
Macdonald,	Selheimer,
McMillan (Baldwin),	Sentell,
McMillan (Wilcox),	Sloan,
Malone,	Smith (Mobile),
Martin,	Smith, Mac. A.,
Maxwell,	Smith, Morgan M.,
Merrill,	Sollie,
Miller (Marengo),	Sorrell,
Miller (Wilcox),	Spears,
Moody,	Spragins,
Morrisette,	Stewart,
Mulkey,	Studdard,
Murphree,	Tayloe,
NeSmith,	Vaughan,
Norman,	Waddell,
Norwood,	Walker,
Oates,	Watts,
O'Neal (Lauderdale),	Weakley,
O'Neill (Jefferson),	Weatherly,
Opp,	Watts,
O'Rear,	Whiteside,
Palmer,	Williams (Barbour),
Parker (Cullman),	Williams (Marengo),
Parker (Elmore),	Wilson (Clarke),
Pearce,	Wilson (Washington).
Pettus,	Winn—143.
Phillips,	

## UNFINISHED BUSINESS.

The Convention proceeded to the consideration of the unfinished business, which was the consideration of the report of the Committee on Taxation.

The question was upon the substitute offered by Mr. White, for the pending amendment to Section 1 of the Article XI reported by the Committee on Taxation.

Mr. White asked unanimous consent to accept the substitute for the amendment.

Consent was granted, and the substitute was accepted for the amendment.

Mr. Cobb moved to table the substitute.

The motion to table prevailed: Yeas, 77; nays, 49.

## YEAS.

Messrs. President,	Glover,
Ashcraft,	Graham (Montgomery),
Banks,	Graham (Talladega),
Barefield,	Grant,
Boone,	Greer (Perry),
Brooks,	Harrison,
Browne,	Hinson,
Burnett,	Hodges,
Cardon,	Hood,
Carnathon,	Howell,
Chapman,	Howze,
Cobb,	Inge,
Coleman (Greene),	Jackson,
Coleman (Walker),	Jenkins,
Craig,	Jones (Wilcox),
Cunningham,	King,
Davis (DeKalb),	Kirk,
Dent,	Kyle,
Duke,	Ledbetter,
Eley,	Leigh,
Eyster,	Lomax,
Ferguson,	Long (Walker),
Fletcher,	McMillan (Baldwin),
Foster,	Martin,

Merrill,  
Miller (Wilcox),  
Norman,  
Norwood,  
Oates,  
O'Neal (Lauderdale),  
O'Neill (Jefferson),  
Opp,  
Palmer,  
Parker (Elmore),  
Pettus,  
Pillans,  
Pitts,  
Proctor.  
Robinson,

Rogers (Lowndes),  
Sanders,  
Searcy,  
Selheimer,  
Sentell,  
Smith (Mobile),  
Spragins,  
Stewart,  
Waddell,  
Watts,  
Weakley,  
Williams (Barbour),  
Williams (Elmore),  
Wilson (Clarke),  
Wilson (Washington)—77.

NAYS.

Messrs. Bartlett,  
Beddow,  
Bethune,  
Blackwell,  
Bulger,  
Burns,  
Byars,  
Carmichael (Coffee),  
Case,  
Cofer,  
Davis (DeKalb),  
deGraffenried,  
Espy,  
Foshee,  
Freeman,  
Gilmore,  
Grayson,  
Haley,  
Heflin (Chambers),  
Heflin (Randolph),  
Henderson,  
Jones (Bibb),  
Jones (Hale),  
Kirkland,

Long (Butler),  
Macdonald,  
McMillan (Wilcox),  
Malone,  
Maxwell,  
Miller (Marengo),  
Moody,  
Murphree,  
NeSmith,  
O'Rear,  
Pearce,  
Phillips,  
Reynolds (Henry),  
Rogers (Sumter),  
Samford,  
Sanford,  
Smith, Mac. A.  
Smith, Morgan M.,  
Sollie,  
Sorrell,  
Spears,  
Studdard,  
Whiteside,  
Winn—49.

## PAIRS ANNOUNCED.

The following pairs were announced:

Messrs. Walker and Carmichael, of Colbert; Cornwell and Mulkey; Williams, of Elmore, and Fitts; Parker, of Cullman, and Sloane; Weatherly and Porter; Tayloe and Beavers; Jones, of Montgomery, and White.

Messrs. Walker, Carmichael, Williams, of Elmore; Weatherly, Tayloe and Jones, of Montgomery, would vote aye; and Messrs. Carmichael, of Colbert; Mulkey, Fitts, Sloan, Porter, Beavers and White would vote nay.

## SECTION ONE.

Section 1 of Article XI, reported by the Committee on Taxation, was read at length, as follows:

Section 1. All taxes levied on property in this State shall be assessed in exact proportion to the value of such property, but no tax shall be assessed upon any debt for rent or hire of real or personal property while owned by the landlord or hirer during the current year of such rental or hire, and when such real or personal property is assessed at its full value; provided, however, the General Assembly may levy a poll tax, not to exceed one dollar and fifty cents on each poll, which shall be applied exclusively in aid of the public school fund in the county so paying the same.

Mr. Browne moved that Section 1 be adopted.

The motion prevailed, and Section 1 was adopted.

## RECONSIDERATION.

Mr. Sollie moved to reconsider the vote by which Section 1 was adopted.

Under the rules the motion will go over until to-morrow for consideration.

## SECTION TWO.

Section 2 of Article XI, reported by the Committee on Taxation, was read at length as follows:

Sec. 2. No power to levy taxes shall be delegated to individuals or private corporations.

Mr. Howze moved to adopt Section 2 as above set out.

The motion prevailed, and Section 2 was adopted.

## SECTION THREE.

Section 3 of Article XI, reported by the Committee on Taxation, was read at length as follows:

Sec. 3. After the ratification of this Constitution, no new debt shall be created against, or incurred by this State, or its authority, except to repel invasion or suppress insurrection, and then only by a concurrence of two-thirds of the members of each House of the General Assembly, and the vote shall be taken by yeas and nays, and entered on the Journals; and any act creating or incurring any new debt against this State, except as herein provided for, shall be absolutely void; provided, the Governor may be authorized to negotiate temporary loans, never to exceed three hundred thousand dollars, to meet the deficiencies in the Treasury; and until the same is paid, no new loan shall be negotiated; provided further, that this section shall not be so construed as to prevent the issuance of bonds for the purpose of refunding the State's existing bonded indebtedness.

Mr. Oates offered the following amendment to Section 3, which was read at length:

That the Legislature shall, at its first session after the ratification of this Constitution, authorize the Governor of the State to cause to be issued (\$8,500,000) eight million, five hundred thousand dollars, face value, of State bonds, to mature fifty years after date, and to bear not more than  $3\frac{1}{2}$  per cent. per annum, payable semi-annually; and that eight million four hundred

and three thousand six hundred dollars (\$8,403,600) of said bonds shall be used exclusively for the redemption by exchange or otherwise, for an equal amount face value of the Class A, Class B, Class C bonds of the State, which, when thus redeemed, shall be destroyed; and that the bonded debt of the State shall never in any event exceed nine million, five hundred thousand dollars.

Sec. 2. That it shall be the further duty of said Legislature, at its first session after the ratification of this Constitution, to authorize the Governor, Auditor and Treasurer of the State, to obtain by purchase, in the name of and for the use of the State Capitol, all of the square of land upon which the Capitol building is situated south of said building to Washington street, bounded west by Bainbridge, and east by Union street; provided, said property can be purchased at reasonable prices; but if not, in the opinion of said Board, then the same shall be condemned on proceedings, to be instituted by said Board in the name and in behalf of the State, and to be had according to the provisions of Article 1, Chapter 42, of the Code of 1896, which shall be applicable thereto.

Sec. 3. That all of the bonds in the first section hereinabove provided for, over and above the eight million four hundred and three thousand six hundred dollars, to be used in redemption or exchange for that amount of outstanding bonds Class A, Class B, Class C, to-wit: \$96,400, shall be sold by the said Board, consisting of the Governor, Auditor and Treasurer, after due notice given by publication in at least three daily newspapers, to the highest and best bidder, which said bonds shall bear not more than  $3\frac{1}{2}$  per cent. per annum, payable semi-annually, and which shall not be sold for less than their face value, and when so sold the proceeds shall be covered into the Treasury, and shall be used by said Board to pay for the said lands on said square when purchased or condemned as aforesaid; and so much of the money arising from the sale of such bonds as may be necessary to permanently improve the Capitol building

and to pay for the private property on said square purchased or condemned as aforesaid, may be used for such purposes.

## ADJOURNMENT.

Pending the further consideration of the amendment, the hour of 5 o'clock p. m. arrived, and, under the rules, the Convention adjourned until to-morrow morning at 10 o'clock.

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THIRTY-SECOND DAY.

## CONVENTION HALL.

Montgomery, Ala., Friday, June 28, 1901.

The Convention met pursuant to adjournment.  
Prayer was offered by Rev. Dr. Lamar of the city.

## ROLL CALL.

On a call of the roll of the Convention, the following delegates answered to their names, which constituted a quorum :

Messrs. President,	Browne,
Almon,	Bulger,
Altman,	Burnett,
Ashcraft,	Burns,
Banks,	Byars,
Barefield,	Cardon,
Bartlett,	Carmichael (Colbert),
Beavers,	Carmichael (Coffee),
Beddow,	Carnathon,
Bethune,	Case,
Blackwell,	Chapman,
Boone,	Cobb,
Brooks,	Cofer,



Coleman (Greene),  
Coleman (Walker),  
Craig,  
Cunningham,  
Davis (DeKalb),  
Davis (Etowah),  
Dent,  
deGraffenried,  
Duke,  
Eley,  
Eyster,  
Espy,  
Ferguson,  
Fitts,  
Fletcher,  
Foshee,  
Foster,  
Freeman,  
Gilmore,  
Glover,  
Graham (Montgomery),  
Graham (Talladega).  
Grant,  
Greer (Calhoun),  
Greer (Perry),  
Haley,  
Harrison,  
Hefflin (Chambers),  
Hefflin (Randolph),  
Henderson,  
Hinson,  
Hodges,  
Hood,  
Howze,  
Inge,  
Jackson,  
Jenkins,  
Jones (Bibb),  
Jones (Hale),  
Jones (Wilcox),

King,  
Kirk,  
Kirkland,  
Knight,  
Kyle,  
Leibetter,  
Leigh,  
Lomax,  
Long (Butler),  
Long (Walker),  
Lowe (Jefferson),  
Lowe (Lawrence),  
Macdonald,  
McMillan (Baldwin),  
McMillan (Wilcox),  
Malone,  
Martin,  
Maxwell,  
Merrill,  
Miller (Marengo),  
Miller (Wilcox),  
Moody,  
Morrisette,  
Mulkey,  
Murphree,  
NeSmith,  
Norman,  
Norwood,  
Oates,  
O'Neal (Lauderdale),  
O'Neill (Jefferson),  
Opp,  
O'Rear,  
Palmer,  
Parker (Cullman),  
Parker (Elmore),  
Pearce,  
Pettus,  
Pillans,  
Pitts,

Porter,	Spears,
Proctor,	Spragins,
Reese,	Stewart,
Renfro,	Studdard,
Reynolds (Chilton),	Tayloe,
Reynolds (Henry),	Vaughan,
Robinson,	Waddell,
Rogers (Lowndes),	Walker,
Rogers (Sumter),	Watts,
Samford,	Weakley,
Sanders,	Weatherly,
Sanford,	White,
Searcy,	Whiteside,
Selheimer,	Williams (Barbour),
Sentell,	Williams (Marengo),
Smith (Mobile),	Wilson (Clarke),
Smith, Mac. A.	Wilson (Washington),
Smith, Morgan M.,	Winn—143.
Sorrell,	

## LEAVE OF ABSENCE.

Was granted to Messrs. Willett for last Wednesday and Thursday and to-day; Boone for to-morrow and Monday; Henderson for to-morrow; Dent for this afternoon and until Monday at noon; Long, of Butler, for to-morrow; Bartlett for to-morrow, Monday and Tuesday; Porter for Saturday and Monday; Beavers for yesterday, to-day and to-morrow; Morrisette for to-day and until Wednesday; Howell for to-day, to-morrow, Monday and Tuesday; Locklin for yesterday and to-day; Kirkland for Saturday; Hasson (doorkeeper) for to-morrow and Monday; Vaughan indefinite; Smith, Mac. A., for to-morrow; Williams, of Elmore, indefinite; Mulkey for to-morrow and Monday; Norwood for this afternoon and to-morrow.

## REPORT OF THE COMMITTEE ON THE JOURNAL.

The chairman of the Committee on the Journal sub-

mitted the following report, which was concurred in:

The Committee on the Journal beg leave to report that they have examined the Journal for the thirty-first day of the Convention and that the same is correct.

Respectfully submitted,

JOHN F. PROCTOR, *Chairman.*

COMMITTEE GRANTED LEAVE TO SIT DURING SESSION.

The Committee on Suffrage and Elections was granted leave to sit during the afternoon session of the Convention.

#### RESOLUTIONS.

The following resolutions were offered, severally read one time at length, and referred to appropriate committees, as follows:

Resolution 200, by Mr. Burns, of Dallas:

Whereas, this Convention has seen proper to reject all amendments to Article V looking to the relief of Sheriffs; and

Whereas, The Supreme Court has already been burdened with sufficient labors; and

Whereas, Local government should be maintained, and for other valid reasons;

Resolved, That it is the sense of this Convention that Section 30 of Article V should be stricken out, and the Sheriffs should be left on the same footing as other county officers.

The resolution was referred to the Committee on Executive Department.

Resolution 201, by Mr. Foster:

Resolved, First, That the Committee on Rules are hereby instructed to examine all the reports of the standing committees which have already reported, and the reports which shall hereafter be made by the standing committees, and assign to each section of said report such time as in its judgment should be allowed for debate thereon.

Second—That when the time so assigned by the Rules Committee to any section shall have been consumed in debate thereon, all debate on such section and pending amendments shall immediately cease, and a vote be taken thereon; provided, that the mover or chairman of the committee proposing the pending matter may, unless he shall have already spoken twice, speak to the matter for fifteen minutes, after the time for debate has closed.

Third—That no delegate, except the mover or chairman of the committee proposing the pending matter, shall speak more than once to the same question, nor more than ten minutes at any time. The mover or the chairman of the committee proposing the pending matter may speak fifteen minutes on opening, and twenty minutes in reply.

Fourth—This resolution shall not apply to the report of the Committee on Suffrage and Elections.

The resolution was referred to the Committee on Rules.

Resolution 202, by Mr. Graham, of Talladega:

Resolved, That beginning with next Monday the afternoon sessions of this Convention shall be from 3:30 to 5:30 instead of 3 to 5.

The resolution was referred to the Committee on Rules.

Resolution 203, by Mr. Heflin, of Chambers:

Resolved, That after to-day the Convention shall convene in this hall at 9 o'clock a. m. and remain in session until 1 o'clock p. m., and reconvene at 3 o'clock and remain in session until 6 o'clock p. m.

The resolution was referred to the Committee on Rules.

Resolution 204, by Mr. Jackson:

Resolved, That no delegate in this Convention be permitted to speak more than ten minutes on any subject under discussion, except the mover of an amendment or substitute, who may use 10 minutes each in opening and closing the debate, and the chairman of a committee in the discussion of a report made by the committee of which he is chairman, who shall have thirty minutes to

open and close; provided, that whoever may move to reconsider any action of the Convention shall have the time accorded the chairman of the committee, the report of which committee is under consideration; provided further, that any delegate may have his time extended by permission of the majority of the delegates present.

The resolution was referred to the Committee on Rules.

Resolution 205, by Mr. Reese:

Whereas, but little time of this Convention is consumed by the regular call of the roll for the introduction of ordinances, resolutions, etc., and

Whereas, Much unnecessary consumption of time is had in explaining and obtaining unanimous consent or suspension of the rules for the introduction of ordinances, resolutions, etc.,

Therefore, Be it resolved, That hereafter the roll call for the introduction of ordinances, resolutions, etc., shall not be suspended except by unanimous consent;

Second, That no resolution or ordinance shall be introduced at any other time except by unanimous consent;

Third, It will be in very bad taste on the part of any member taking up the time of the Convention in asking said consent, except in dire and pressing emergency.

The resolution was referred to the Committee on Rules.

Resolution 206, by Mr. Waddell:

Be it resolved by the Constitutional Convention of the State of Alabama, That no person shall be entitled to the floor for the purpose of debate for a longer period of time than ten minutes, except the chairman of the committees whose article is under consideration, and he shall be allowed twenty minutes to open and ten minutes to close the debate on any subject which is up for consideration under his article; provided the provisions of this resolutions shall not apply to the Committee on Suffrage and Elections.

The resolution was referred to the Committee on Rules.

#### ORDINANCES ON FIRST READING.

The following ordinances were introduced, severally read one time at length, and referred to appropriate committees as follows:

Ordinance 404, by Mr. Coleman, of Walker:

To amend a part of Section 28 of Article V, adopted by this Convention.

The ordinance was referred to the Committee on Impeachments.

Ordinance 405, by Mr. Reynolds, of Chilton:

To prohibit newspapers or their representatives from accepting a free pass or other free transportation from a railroad company doing business in this State.

The ordinance was referred to the Committee on Legislative Department.

#### UNFINISHED BUSINESS.

The Convention proceeded to the consideration of unfinished business, which was the report of the Committee on Taxation.

#### SECTION THREE.

The question was upon the amendment offered by Mr. Oates, to Section 3 of the Article XI reported by the Committee on Taxation.

Mr. deGraffenried moved to table the amendment offered by Mr. Oates.

The motion prevailed, and the amendment was laid upon the table.

Mr. Watts offered the following amendment to Section 3 of the Article XI reported by the Committee on Taxation:

To amend Section 3, Taxation report, by adding at the end of said section the words: "And provided the General Assembly may increase the State debt not ex-

ceeding \$200,000 for the improvement of the Capitol and adding to its grounds."

Mr. Weatherly moved to table the amendment offered by Mr. Watts:

The motion prevailed, and the amendment was laid upon the table.

Mr. Browne moved to adopt Section 3 of the Article XI, reported by the Committee on Taxation.

The motion prevailed, and Section 3 was adopted.

#### SECTION FOUR.

Sec. 4. The General Assembly shall not have the power to levy, in any one year, a greater rate of taxation than 65-100 of 1 percentum on the value of the taxable property within this State.

Was read at length.

#### RECESS.

Pending the further consideration of the report of the Committee on Taxation, the hour of 12 o'clock m. arrived, and under a resolution adopted on yesterday, the Convention recessed until 3 o'clock to-day.

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#### AFTERNOON SESSION.

The Convention met pursuant to adjournment.

#### ROLL CALL.

On a call of the roll of the Convention, the following delegates answered to their names, which constituted a quorum:

Messrs. President,  
Almon,  
Altman,  
Ashcraft,

Banks,  
Barefield,  
Bartlett,  
Beddow,

Bethune,  
Blackwell,  
Boone,  
Brooks,  
Browne,  
Bulger,  
Burnett,  
Burns,  
Byars,  
Cardon,  
Carmichael (Colbert),  
Carmichael (Coffee),  
Carnathon,  
Case,  
Chapman,  
Cobb,  
Cofer,  
Coleman (Greene),  
Coleman (Walker),  
Cornwell,  
Craig,  
Cunningham,  
Davis (DeKalb),  
Davis (Etowah),  
Dent,  
deGraffenreid,  
Duke,  
Eley,  
Eyster,  
Espy,  
Ferguson,  
Fitts,  
Fletcher,  
Foshee,  
Foster,  
Freeman,  
Gilmore,  
Glover,  
Graham (Montgomery),  
Graham (Talladega),  
Grant,

Grayson,  
Greer (Calhoun),  
Greer (Perry),  
Haley,  
Harrison,  
Heflin (Chambers),  
Heflin (Randolph),  
Henderson,  
Hinson,  
Hood,  
Howze,  
Jackson,  
Jenkins,  
Jones (Bibb),  
Jones (Hale),  
Jones (Montgomery),  
Jones (Wilcox),  
Kirk,  
Kirkland,  
Knight,  
Kyle,  
Ledbetter,  
Lomax,  
Lowe (Jefferson),  
Macdonald,  
McMillan (Baldwin),  
McMillan (Wilcox),  
Malone,  
Martin,  
Maxwell,  
Merrill,  
Miller (Marengo),  
Miller (Wilcox),  
Norman,  
Norwood,  
Oates,  
O'Neill (Jefferson),  
Opp,  
O'Rear,  
Parker (Cullman),  
Parker (Elmore),



Pearce,  
 Pettus,  
 Pillans,  
 Porter,  
 Proctor,  
 Reese,  
 Renfro,  
 Reynolds (Chilton),  
 Reynolds (Henry),  
 Robinson,  
 Rogers (Lowndes),  
 Rogers (Sumter),  
 Samford,  
 Sanders,  
 Sanford,  
 Searcy,  
 Selheimer,  
 Sentell,  
 Sloan,  
 Smith (Mobile),

Smith, Mac. A.,  
 Smith, Morgan M.,  
 Sollie,  
 Sorrell,  
 Spears,  
 Spragins,  
 Stewart,  
 Studdard,  
 Tayloe,  
 Waddell,  
 Walker,  
 Watts,  
 Weakley,  
 Weatherly,  
 Williams (Barbour),  
 Williams (Marengo),  
 Wilson (Clarke),  
 Wilson (Washington).  
 Winn—129.

#### LEAVE OF ABSENCE

Was granted to Messrs. Freeman for Saturday, Monday and Tuesday; Haley for Saturday and Monday; Jones, of Montgomery, for this afternoon; Norman for this afternoon and to-morrow; Pearce this afternoon and until Wednesday; Cunningham for to-morrow; Graham, of Talladega, for Saturday, Monday and Tuesday; Foshee for to-morrow; Parker, of Cullman, for today.

#### UNFINISHED BUSINESS.

The Convention proceeded to the consideration of the report of the Committee on Taxation.

The question was the consideration of Section 4 of the Article XI reported by the Committee on Taxation.

Mr. Howze offered the following amendment to Section 4:

Amend by striking out the words "sixty-five" and in-

serting in lieu thereof the words "seventy-five," and adding at the end of the section the following: "For the two years succeeding the adoption of this Constitution, after which time no greater rate than sixty-five one-hundredths of one per centum shall be levied."

Mr. Graham, of Talladega, offered the following amendment to the amendment offered by Mr. Howze:

Amend the amendment by striking out all of it except the words 75 cents.

Mr. Reese moved to table the amendment offered by Mr. Graham, of Talladega, to the amendment offered by Mr. Howze.

The motion prevailed, and the amendment was laid upon the table: Yeas, 89; nays, 41.

## YEAS.

Messrs. President,	Fitts,
Almon,	Fletcher,
Altman,	Foster,
Barefield,	Glover,
Bethune,	Grant,
Brooks,	Grayson,
Browne,	Greer (Perry),
Burnett,	Haley,
Burns,	Harrison,
Byars,	Heflin (Chambers),
Cardon,	Heflin (Randolph),
Carnathon,	Hinson,
Chapman,	Hodges,
Cobb,	Howze,
Cofer,	Inge,
Coleman (Greene),	Jackson,
Coleman (Walker),	Jenkins,
Craig,	Jones (Wilcox),
Cunningham,	King,
Davis (DeKalb),	Kirk,
Davis (Etowah),	Knight,
Duke,	Kyle,
Espy,	Leigh,

Macdonald,  
 McMillan (Baldwin),  
 Malone,  
 Martin,  
 Maxwell,  
 Merrill,  
 Miller (Marengo),  
 Miller (Wilcox),  
 Moody,  
 Morrisette,  
 NeSmith,  
 O'Neal (Lauderdale),  
 O'Rear,  
 Palmer,  
 Parker (Elmore),  
 Pearce,  
 Pettus,  
 Phillips,  
 Pillans,  
 Pitts,  
 Proctor,  
 Reese,

Renfro,  
 Reynolds (Henry),  
 Robinson,  
 Rogers (Lowndes),  
 Rogers (Sumter),  
 Sanford,  
 Searcy,  
 Sentell,  
 Sloan,  
 Smith, Morgan M.,  
 Sorrell,  
 Spears,  
 Spragins,  
 Stewart,  
 Studdard,  
 Tayloe,  
 Walker,  
 Weatherly,  
 Whiteside,  
 Williams (Marengo),  
 Winn—89.

#### NAYS.

Messrs. Ashcraft,  
 Banks,  
 Beddow,  
 Blackwell,  
 Bulger,  
 Carmichael (Colbert),  
 Carmichael (Coffee),  
 Case,  
 Cornwell,  
 deGraffenried,  
 Eley,  
 Eyster,  
 Graham (Talladega),  
 Greer (Calhoun),  
 Henderson,  
 Hood,

Jones (Bibb),  
 Jones (Montgomery),  
 Kirkland,  
 Ledbetter,  
 Lomax,  
 Lowe (Jefferson),  
 McMillan (Wilcox),  
 Murphree,  
 Norman,  
 Oates,  
 O'Neill (Jefferson),  
 Opp.  
 Porter,  
 Samford,  
 Sanders,  
 Selheimer,

Smith (Mobile),  
Smith, Mac. A.,  
Waddell,  
Watts,  
Weakley,

White,  
Williams (Barbour),  
Wilson (Clarke).  
Wilson (Washington)—41.

PAIRS ANNOUNCED.

The following pairs were announced:

Messrs. Long, of Walker, and Graham, of Montgomery. Mr. Long, of Walker, would vote aye, and Mr. Graham, of Montgomery, would vote nay.

Mr. deGraffenried moved to table the amendment offered by Mr. Howze to Section 4 of the Article XI reported by the Committee on Taxation, and also to table the Section 4 as reported by said committee.

Mr. Coleman, of Greene, demanded a division of the question.

The question was upon tabling the amendment offered by Mr. Howze.

The motion prevailed and the amendment was laid upon the table: Yeas, 94; nays, 33.

YEAS.

Messrs. Almon,  
Barefield,  
Bethune,  
Blackwell,  
Brooks,  
Browne,  
Bulger,  
Burnett,  
Burns,  
Byars,  
Cardon,  
Carnathon,  
Case,  
Chapman,  
Cobb,

Cofer,  
Coleman (Greene),  
Coleman (Walker),  
Craig,  
Cunningham,  
Davis (DeKalb),  
Davis (Etowah),  
deGraffenried,  
Duke,  
Espy,  
Fitts,  
Fletcher,  
Foster,  
Glover,  
Grant,

Grayson,  
 Greer (Perry),  
 Haley,  
 Harrison,  
 Heflin (Chambers),  
 Heflin (Randolph),  
 Hinson,  
 Hodges,  
 Inge,  
 Jones (Bibb),  
 Jones (Wilcox),  
 King,  
 Kirk,  
 Knight,  
 Kyle,  
 Lomax,  
 Lowe (Jefferson),  
 Macdonald,  
 McMillan (Baldwin),  
 Malone,  
 Martin,  
 Maxwell,  
 Miller (Marengo),  
 Miller (Wilcox),  
 Moody,  
 Morrisette,  
 NeSmith,  
 O'Neal (Lauderdale),  
 O'Rear,  
 Palmer,  
 Pearce,  
 Pettus,

Phillips,  
 Pillans,  
 Pitts,  
 Proctor,  
 Reese,  
 Renfro,  
 Reynolds (Henry),  
 Robinson,  
 Rogers (Lowndes),  
 Rogers (Sumter),  
 Sanford,  
 Sanders,  
 Sanford,  
 Searcy,  
 Sentell,  
 Sloan,  
 Smith (Mobile),  
 Smith, Morgan M.  
 Sollie,  
 Sorrell,  
 Spears,  
 Spragins,  
 Stewart,  
 Studdard,  
 Tayloe,  
 Walker,  
 Weakley,  
 Weatherly,  
 Whiteside,  
 Williams (Marengo),  
 Wilson (Washington).  
 Winn—94.

## NAYS.

Messrs. President,  
 Ashcraft,  
 Beddow,  
 Carmichael (Colbert),  
 Carmichael (Coffee),  
 Cornwell,

Eley,  
 Eyster,  
 Graham (Talladega),  
 Greer (Calhoun),  
 Henderson,  
 Hood,

Howze,  
Jackson,  
Jenkins,  
Jones (Montgomery),  
Kirkland,  
Ledbetter,  
McMillan (Wilcox),  
Murphree,  
Norman,  
Oates,  
O'Neill (Jefferson),

Opp,  
Parker (Elmore),  
Porter,  
Selheimer,  
Smith, Mac. A.  
Waddell,  
Watts,  
White,  
Williams (Barbour),  
Wilson (Clarke)—33.

## PAIRS ANNOUNCED.

The following pairs were announced:

Messrs. Banks and Leigh; Long, of Walker, and Graham, of Montgomery. Messrs. Banks and Long, of Walker would vote aye, and Messrs. Leigh and Graham, of Montgomery, would vote nay.

The question was upon the motion to table Section 4 of said article.

The yeas and nays were demanded, and the call was sustained.

## ADJOURNMENT.

Pending the further consideration of the report of the Committee on Taxation, the hour of 6 o'clock p. m. arrived, and under the resolution adopted on yesterday, the Convention adjourned until 10 o'clock to-morrow morning.

## THIRTY-THIRD DAY.

## CONVENTION HALL.

Montgomery, Ala., Saturday, June 29, 1901.

The Convention met pursuant to adjournment.

Prayer was offered by Rev. Dr. Lamar of the city.

## ROLL CALL.

On a call of the roll of the Convention, the following delegates answered to their names, which constituted a quorum :

Messrs. President.	deGraffenried,
Almon,	Duke,
Ashcraft,	Eley,
Banks,	Eyster,
Barefield,	Ferguson,
Beddow,	Fitts,
Bethune,	Fletcher,
Blackwell,	Foster,
Boone,	Gilmore,
Brooks,	Glover,
Browne,	Graham (Montgomery),
Bulger,	Grant,
Burns,	Grayson,
Byars,	Greer (Calhoun),
Cardon,	Greer (Perry),
Carmichael (Colbert),	Harrison,
Carnathon,	Heflin (Chambers),
Chapman,	Heflin (Randolph),
Cobb,	Hinson,
Cofer,	Hodges,
Coleman (Greene),	Hood,
Coleman (Walker),	Howze,
Cornwell,	Inge,
Cunningham,	Jackson,
Davis (DeKalb),	Jenkins,
Davis (Etowah),	Jones (Bibb),

Jones (Wilcox),	Pitts,
Kirk,	Proctor,
Knight,	Renfro,
Kyle,	Robinson,
Ledbetter,	Rogers (Lowndes),
Leigh,	Rogers (Sumter),
Locklin,	Samford,
Lomax,	Sanders,
Long (Butler),	Sanford,
Lowe (Jefferson),	Searcy,
Macdonald,	Selheimer,
McMillan (Wilcox),	Sentell,
Malone,	Sloan,
Martin,	Smith (Mobile),
Maxwell,	Smith, Morgan M.
Merrill,	Sollie,
Miller (Marengo),	Sorrell,
Miller (Wilcox),	Spears,
Moody,	Spragins,
Murphree,	Stewart,
NeSmith,	Studdard,
Norman,	Tayloe,
Oates,	Waddell,
O'Neal (Lauderdale),	Watts,
O'Neill (Jefferson),	Weakley,
Opp.	Weatherly,
O'Rear,	White,
Palmer,	Whiteside,
Parker (Cullman),	Williams (Barbour),
Parker (Elmore),	Williams (Marengo),
Pettus,	Wilson (Clarké),
Phillips,	Wilson (Washington).
Pillans,	Winn—118.

#### LEAVE OF ABSENCE

Was granted to Messrs. Reynolds, of Chilton, for to-day; Altman for to-day; Banks for this afternoon; McMillan, of Baldwin, to-day and Monday; McMillan, of Wilcox, for Monday; Walker for to-day; Jones, of Hale, for to-day and Monday; Espy for to-day; Lowe, of Lawrence, for to-day; King for to-day and Monday; Wilson,



of Washington, for Monday; Willett for to-day; Fitts for Monday; Malone for Monday; Hood for Monday.

REPORT OF THE COMMITTEE ON THE JOURNAL.

The chairman of the Committee on the Journal submitted the following report, which was concurred in:

The Committee on the Journal beg leave to report that they have examined the Journal for the thirty-second day of the Convention, and that the same is correct.

Respectfully submitted,

JOHN F. PROCTOR, *Chairman.*

RESOLUTIONS.

The following resolutions were offered, severally read one time at length, and referred to appropriate committees, as follows:

The following resolutions were offered, severally read one time at length, and referred to appropriate committees as follows:

Resolution 207, by Mr. Beddow:

Resolved, That when this Convention adjourns on Wednesday evening, July 3d, that it adjourn to meet at 12 m. Monday, July 8th.

The resolution was referred to the Committee on Rules.

Resolution 208, by Mr. Cornwell:

Resolved, That the time allowed each delegate for speaking on any one question be, and is hereby limited to ten minutes, and that unanimous consent must be obtained to extend time.

The resolution was referred to the Committee on Rules.

Resolution No. 209, by Mr. Renfro:

Whereas, There is a disposition to take up much time in debating whether or not certain ordinances are proper constitutional provisions or legislative enactments; and

Whereas, this Convention can frame a better instru-

ment by leaving legislative enactments out of the Constitution;

Therefore, Be it resolved, That when this Convention is in doubt as to whether any pending amendment should be left to the Legislature or not, that such amendment be referred to the Judiciary Committee, with instructions that they pass upon this question and make recommendation in accordance with their judgment.

The resolution was referred to the Committee on Judiciary.

Resolution 210, by Mr. Rogers, of Lowndes:

Resolved, That the Convention remain in session until 2 o'clock p. m. and dispense with the afternoon session.

The rules were suspended and the resolution was adopted.

Resolution 211, by Mr. Smith, M. M., of Autauga:

Whereas, the office of Commissioner of Agriculture was originally created for the benefit of the farming interest, and

Whereas, the tax of 50 cents per ton on fertilizer was originally imposed for the alleged exclusive benefit of the farmer, and provided for inspection of fertilizer for the farmer's protection, and

Whereas, said office of Commissioner of Agriculture has been changed by this Convention into the Commissioner of Agriculture and Industries, and

Whereas, it is not just or fair that the burden of paying for said department should fall exclusively on the farmers of the State; therefore be it

Resolved, That it is the sense of this Convention that the Legislature should reduce the tax on fertilizer to an amount not in excess of cost of inspection.

The resolution was referred to the Committee on Taxation.

Resolution 212, by Mr. Parker, of Elmore:

Resolved, That the privileges of the floor of this Convention are hereby extended to Hon. J. J. Sullivan, of Pensacola, Florida, who is visiting the Convention to extend the greetings of West Florida to the Convention

on the hearty spirit of annexation that it has manifested.

On motion of Mr. Parker, of Elmore, the rules were suspended, and the resolution was adopted by a rising vote.

#### ORDINANCES ON FIRST READING.

The following ordinances were introduced, severally read one time at length, and referred to appropriate committees as follows:

Ordinance 406, by Mr. Rogers, of Sumter:

To limit the amount of tax on fertilizers manufactured or sold in the State.

The ordinance was referred to the Committee on Taxation.

Ordinance 407, by Mr. Sanford:

To authorize the General Assembly to amend the Constitution of the State.

The ordinance was referred to the Committee on Legislative Department.

#### REPORTS OF STANDING COMMITTEES.

##### SUFFRAGE AND ELECTIONS.

Mr. Coleman, of Greene, chairman of the Committee on Suffrage and Elections, submitted the following report, which was read at length:

##### REPORT OF THE COMMITTEE ON SUFFRAGE AND ELECTIONS.

*Mr. President:*

The Committee on Suffrage and Elections have requested that the following report be submitted:

The committee has read and considered with care the many resolutions and ordinances referred to it, and have had the benefit of an extensive correspondence with leading men of other States upon the question of Suffrage and Elections. Many of them contain valuable suggestions and have been of great assistance in the important work assigned to us.

Our main purpose has been to eliminate the venal

and incompetent from the exercise of the elective franchise and not violate any of the provisions of the Constitution of the United States. We are of the opinion that the Fifteenth Amendment of the Constitution of the United States does not interfere with the sovereign right of the State to prescribe the qualifications of voters further than to prohibit discrimination on account of "race, color or previous condition of servitude," and this limitation in no way interferes with the sovereign power of the State to fix a standard of fitness, applicable to all alike. Existing conditions and the object to be attained necessitated the making of provisions new and different from those which are in our present Constitution.

To give full effect to the plan submitted by the committee, it became necessary to provide a temporary Board of Registration, limited to January the first, 1903, and to devolve upon the Legislature the duty to provide a permanent plan of registration to take effect on and after that date.

We have spared neither time, labor nor study to frame a suitable article upon the subject of elections and franchises, and it is with pleasure we state that no member of the committee dissents from any of the provisions except upon subdivision 2 of Section 4 of the article upon which there will be a minority report submitted. We herewith return all ordinances and resolutions submitted to us.

THOMAS W. COLEMAN, *Chairman.*

## ARTICLE —

### SUFFRAGE AND ELECTIONS.

Section 1. Every male citizen of this State who is a citizen of the United States, twenty-one years old or upwards, not laboring under any of the disabilities named in this article, and possessing the qualifications required by it, shall be an elector, and shall be entitled to vote at any election by the people.

Sec. 2. To entitle a citizen to vote at any election by the people, he shall have resided in the State at least two years, in the county one year, and in the precinct or ward three months, immediately preceding the election at which he offers to vote, and he shall have been duly registered as an elector, and shall have paid on or before the first day of February next preceding the date of the election at which he offers to vote, all poll taxes due from him for the year 1901, and for each subsequent year; provided, that any elector who, within three months next preceding the date of the election at which he offers to vote, has removed from one precinct or ward to another precinct or ward in the same county, incorporated town or city, shall have the right to vote in the precinct or ward from which he has so removed, if he would have been entitled to vote in such precinct or ward but for such removal.

Sec. 3. All elections by the people shall be by ballot, and all elections by persons in a representative capacity shall be *viva voce*.

Sec. 4. The following male citizens of this State, who are citizens of the United States, twenty-one years old or upward, who, if their place of residence shall remain unchanged, will have, at the date of the next general election, the qualifications as to residence prescribed in Section 2 of this article, and who are not disqualified under Section 6 of this article, shall, upon application, be entitled to register as electors prior to the first day of January, 1903, namely:

First—All who have honorably served in the land or naval forces of the United States in the war of 1812, or in the war with Mexico, or in any war with the Indians, or in the Civil War between the States, or in the war with Spain, or who honorably served in the land or naval forces of the Confederate States, or of the State of Alabama in the war between the States; or

Second—The lawful descendants of persons who honorably served in the land or naval forces of the United States in the war of the American Revolution, or in the war of 1812, or in the war with Mexico, or in any war

with the Indians, or in the Civil War between the States, or in the land or naval forces of the Confederate States, or of the State of Alabama in the war between the States; or

Third—All persons of good character and who understand the duties and obligations of citizenship under a republican form of government.

Sec. 5. After the first day of January, 1903, the following persons, and no others, who, if their place of residence shall remain unchanged, will have, at the date of the next general election, the qualifications as to residence prescribed in Section 2 of this article, shall be qualified to register as electors; provided, they shall not be disqualified under Section 6 of this article:

First—Those who, unless prevented by physical disability can read and write any article of the Constitution of the United States in the English language, and who, being physically able to work, have been regularly engaged in some lawful business or occupation, trade or calling for twelve months next preceding the time they offer to register; or

Second—The owner in good faith in his own right or the husband of a woman who is the owner in good faith in her own right, of forty acres of land situated in this State, upon which they reside; or the owner in good faith in his own right, or the husband of any woman who is the owner in good faith in her own right, of real estate situate in this State assessed for taxation at the value of \$300 or more, or the owner in good faith, in his own right, or the husband of a woman who is the owner in good faith, in her own right, of personal property in this State assessed for taxation at \$300 or more; provided, that the taxes due upon such real or personal property for the year next preceding the year in which he offers to register, shall have been paid, unless the assessment shall have been legally contested and is undetermined.

Sec. 6.—The following persons shall be disqualified both from registering and from voting, namely:

All idiots and insane persons; those who shall, by

reason of conviction of crime, be disqualified from voting at the time of the ratification of this Constitution; and those who shall be convicted of treason, murder, arson, embezzlement, malfeasance in office, larceny, receiving stolen property, obtaining money or property under false pretenses, perjury, subornation of perjury, robbery, assault with intent to rob, burglary, forgery, bribery, assault and battery on the wife, bigamy, living in adultery, sodomy, incest, rape, miscegenation, crime against nature, or any crime punishable by imprisonment in the penitentiary, or of any infamous crime or crime involving moral turpitude; also, any person who shall be convicted as a vagrant or tramp, or of selling or offering to sell his vote or the vote of another, or buying or offering to buy the vote of another in any election by the people or in any primary election or to procure the nomination or election of any person to any office, or of suborning any witness or registrar to secure the registration of any person as an elector.

Sec. 7.—No person shall be qualified to vote or participate in any primary election, party convention, mass meeting, or other method of party action of any political party or faction, who shall not possess the qualifications prescribed in this article for an elector, or who shall be disqualified under the provisions of this article from voting.

Sec. 8.—No person, not registered and qualified as an elector under the provisions of this article shall vote at any State, county or municipal elections, general, local or special, held subsequent to the general election in 1902; but the provisions of this article shall not apply to any election held prior to the general election in 1902.

Sec. 9.—Any elector whose right to vote shall be challenged for any legal cause before an election officer shall be required to swear or affirm that the matter of the challenge is untrue before his vote shall be received, and any one who wilfully swears or affirms falsely there-to shall be guilty of perjury.

Sec. 10.—The General Assembly shall provide by law

for the registration, after the first day of January, 1903, of all qualified electors. Until the first day of January, 1903, all electors shall be registered under and in accordance with the requirements of this Section as follows:

First—Registration shall be conducted in each county by a board of three reputable and suitable persons resident in the county, who shall not hold any elective office during their term, to be appointed within sixty days after the ratification of this Constitution by the Governor, Auditor and Commissioner of Agriculture and Industries, or a majority of those, acting as a Board of Appointment. If one or more of the persons appointed on such Board of Registration shall refuse, neglect or be unable to qualify or serve, or a vacancy or vacancies occur in the membership of the Board of Registrars from any cause, the Governor, Auditor and Commissioner of Agriculture and Industries or a majority of them acting as a Board of Appointment, shall make other appointments to fill such Board. Each registrar shall receive \$2 per day, to be paid by the State, and disbursed by the several Probate Judges, for each entire day's attendance upon the sessions of the Board.

Before entering upon the performance of the duties of his office, each registrar shall take the same oath required of the judicial officers of the State, which oath may be administered by any person authorized by law to administer oaths. The oath shall be in writing and subscribed by the registrar and filed in the office of the Probate Judge of the county.

Second—Prior to the first day of August, 1902, the Board of Registrars in each county shall visit each precinct at least once and oftener if necessary to make a complete registration of all persons entitled to register, and remain there at least one day from 8 o'clock in the morning until sunset. They shall give at least twenty days' notice of the time when, and the place in the precinct where they will attend to register applicants for registration, by bills posted at five or more public places in each election precinct, and by advertisement in a



newspaper, if there be one published in the county, once a week for three successive weeks. Upon failure to give such notice, or to attend any appointment made by them in any precinct, they shall, after like notice, fill new appointments therein; but the time consumed by the board in completing such registration shall not exceed sixty working days in any county, except that in counties in which there is any city of 8,000 inhabitants or over, the board may remain in session, in addition to the session hereinabove prescribed, for not more than three successive weeks in each of said cities; and thereafter the board may sit from time to time in each of said cities not more than one week in each month, and except that in the county of Jefferson the board may hold additional sessions, of not exceeding five consecutive days duration for each session, in any town or city of 1,000 or more, and less than 8,000 inhabitants. No person shall be registered except at the county site, or in the precinct at which he resides. The registrars shall issue to each person registered a certificate of registration.

Third—The Board of Registrars shall register no person between the first day of August, 1902, and the Friday next preceding the day of election in November, 1902. On Friday and Saturday next preceding the day of election in November, 1902, they shall sit in the court house of each county during the such days, and shall register all applicants having the qualifications prescribed by Section 2 of this article, and not disqualified under Sec. 6, who shall have reached the age of twenty-one years after the first day of August, 1902, or who shall prove to the reasonable satisfaction of the board that, by reason of physical disability or unavoidable absence from the county, they had not opportunity to register prior to the first day of August, 1902; and shall on such days register no other persons. When there are two or more court houses in one county, the registrars may sit during such two days at either of such court houses they may select, but shall give ten days' notice

by bills posted at each of the other court houses, designating the court house at which they will so sit.

Fourth—The Board of Registrars shall hold sessions at the court house of their respective counties during the entire third week in November, 1902, and for six working days next prior to the twentieth day of December, 1902, during which sessions they shall register all persons applying who possess the qualifications prescribed in Sections 2 and 4, and who shall not be disqualified under Section 6 of this article. In counties where there are two or more court houses, the Board of Registrars may elect at which court house they will hold such session. The Board of Registrars shall give notice of the time and place of such sessions by posting notices at each court house in their respective counties, and at each voting place and at three other public places in the county, and by publication once a week for two consecutive weeks in a newspaper, if one be published in the county; such notices to be published and such publications to be commenced as early as practicable in the first week in November, 1902; provided, that a failure on the part of the registrars to conform to the provisions of this section as to notices to be given shall not invalidate any registration made by them.

Fifth—The Board of Registrars shall have power to examine, under oath or affirmation, all applicants for registration, and to take testimony touching the qualifications of such applicants; each member of such board is authorized to administer the oath to be taken by the applicants and witnesses, which shall be in the following form, and subscribed by the person making it, and preserved by the board, namely:

"I solemnly swear (or affirm) that in the matter of the application of ..... for registration as an elector, I will speak the truth, the whole truth, and nothing but the truth, so help me God."

Any person, who, upon such examination, makes any wilfully false statement in reference to any material matter touching the qualification of any applicant for registration shall be guilty of perjury.

Sixth—The action of the majority of the Board of Registrars shall be the action of the board. Any person denied registration shall have the right to appeal, within thirty days after such denial, by filing a petition in the Circuit Court or court of like jurisdiction held for the county in which he seeks to vote, to have his qualifications as an elector determined. Upon filing the petition the clerk of the court shall give notice thereof to any Solicitor authorized to represent the State in said county, whose duty it shall be to appear and defend against the petition on behalf of the State. Upon such trial, the court shall charge the jury only as to what constituted the qualifications that entitled the applicant to become an elector at the time he applied for registration, and the jury shall determine the weight and effect of the evidence and return a verdict. From the judgment rendered an appeal will lie to the Supreme Court in favor of the petitioner, to be taken within thirty days. Final judgment in favor of the petitioner shall entitle him to registration as of the date of his application to the registrars.

Seventh—The Secretary of State shall, at the expense of the State, have prepared and furnished to the registrars and Probate Judges in the several counties, a sufficient number of registration books, and of blank forms of certificates of registration and of oaths and of the notices required to be given by the registrars. The cost of the publication in newspapers of the notices required to be given by the registrars shall be paid by the State, the bills therefor to be rendered to the Secretary of State, and approved by him.

Sec. 11.—The Board of Registrars in each county shall, on or before the first day of February, 1903, file in the Probate Court of their county a complete list, sworn to by them, of all persons registered in their county, with the precinct or ward in which each of such persons reside set opposite the names of such persons, and shall also file a like list in the office of the Secretary of State. The Judge of Probate shall on or before the first day of March, 1903, cause to be made from such

list in duplicate, in the books furnished by the Secretary of State, an alphabetical list by precincts of the persons shown by the list of the registrars to have been registered in the county, and shall file one of such alphabetical lists in the office of Secretary of State; for which services by the Probate Judge compensation shall be provided by the General Assembly. The Judge of Probate shall keep both the original list filed by the registrars and the alphabetical list made therefrom as records in the Probate Court of the county.

Unless he shall become disqualified under the provisions of this article, any one who shall register prior to the first day of January, 1903, shall remain an elector during life, and shall be required to register only in case of a change of residence, on production of his certificate. The certificate of the registrar or of the Probate Judge or of the Secretary of State shall be sufficient evidence to establish the fact of such life registration. Such certificate shall be issued free of charge to the elector, and the General Assembly shall provide by law for the renewal of such certificates when lost, mutilated or destroyed.

Sec. 12.—From and after the first day of January, 1903, any applicant for registration may be required to state under oath, to be administered by the registrar or by any person authorized by law to administer oaths, where he lived during the five years next preceding the time at which he applies to register, and the name or names that he was known by during that period, and the names of his employer or employers, if any, during such period. Any applicant for registration who refuses to state such facts, or any of them, shall not be entitled to register, and any person so offering to register who wilfully makes a false statement in regard to such matters or any of them, shall be guilty of perjury.

Sec. 13.—In the trial of any contested election, and in proceedings to investigate any election, no person other than a defendant will be allowed to withhold his testimony on the ground that he may incriminate himself or subject himself to public infamy; but such person

shall not be prosecuted for any offense arising out of the transaction concerning which he testified, but may be prosecuted for perjury committed on such examination.

Sec. 14.—The General Assembly shall pass laws not inconsistent with this Constitution to regulate and govern elections, and all such laws shall be uniform throughout the State; and shall provide by law for the manner of holding elections and of ascertaining the result of the same, and shall provide general registration laws not inconsistent with the provisions of this article, for the registration of all qualified electors from and after the first day of January, 1903. The General Assembly shall also make provisions by law, not inconsistent with this article, for the regulation of primary elections, and for punishing frauds at the same, but shall not make primary elections compulsory.

Sec. 15.—It shall be the duty of the General Assembly to pass adequate laws giving protection against the evils arising from the use of intoxicating liquors at all elections.

Sec. 16.—Electors shall in all cases, except treason, felony or breach of the peace, be privileged from arrest during their attendance at elections, or while going to or returning therefrom.

Sec. 17.—Returns of elections for all civil officers who are to be commissioned by the Governor, except Secretary of State, Auditor, Treasurer, Commissioner of Agriculture and Industries, Attorney General and Superintendent of Education, and for the members of the General Assembly, shall be made by the Secretary of State.

Sec. 18.—The poll tax mentioned in this article shall be \$1.50 upon each male inhabitant of the State, over the age of twenty-one years, and under the age of forty-five years, who would not now be exempt by law. Such poll tax shall become due and payable on the first day of October in each year and become delinquent on the first day of the next succeeding February, but no legal process nor any fee or commission shall be allowed for

the collection thereof. The Tax Collector shall make returns for poll tax collections separate from other collections.

Sec. 19.—If any section of this article shall become inoperative and void by reason of the decision of any court of competent jurisdiction, the General Assembly shall have power, and it is hereby authorized to remedy the defect in such section pointed out by such adjudication, by a two-thirds vote of all the members of each House of the General Assembly; provided, that the sections of this article unaffected by such decisions shall remain unchanged. Upon any other section becoming inoperative by any subsequent adjudication of such court, the General Assembly shall have authority to remedy the defect in like manner as hereinabove prescribed.

#### MINORITY REPORT.

*Mr. President:*

The undersigned, members of the Committee on Suffrage and Elections, beg leave to dissent from that part of the report of said committee, which recommends the adoption of the second subdivision of Section 4 of the article reported by the committee, which reads as follows:

“The lawful descendants of persons who honorably served in the land or naval forces of the United States in the war of the American Revolution, or in the war of 1812, or in the war with Mexico, or in any war with the Indians, or in the Civil War between the States, or in the land or naval forces of the Confederate States, or of the State of Alabama in the war between the States.”

We are of the opinion that the above clause, on its face, violates the Federal Constitution, which we have taken an oath to support. It undertakes by indirect means, to deny or abridge the right to vote to citizens of the United States on account of race, color or pre-

vious condition of servitude, which is forbidden by the Fifteenth amendment to that instrument.

This is done by conferring the right to vote upon a class, viz., descendants of soldiers, this class including practically all of the white and excluding practically all of the negro race.

The clause quoted does not erect a standard of qualifications applicable alike to both races, but establishes an arbitrary standard, which, considered in connection with the history of the country, confers the right of suffrage upon members of the white race (who are descendants of such soldiers) and denies it to members of the black race, who are not such descendants.

It does not prescribe a qualification bearing any proper relation to the capacity of the voter to understand and discharge the responsibilities of the elective franchise, but fixes an arbitrary status, depending solely upon his descent from an ancestry over which he had and has no control, and which is impossible of attainment by any exertion on his part.

We submit that the test required is not a rule or condition to which all citizens similarly situated, may conform. This, we understand from the decisions of the United States Supreme Court, is necessary to make it valid.

For these reasons we believe this clause to be violative of the Fifteenth Amendment to the Federal Constitution, in its necessary operation, without reference to its administration. It can only be administered in one way, and can affect, materially, only the two classes established by it.

By adopting this provision we invite an attack upon our suffrage plan through the courts, which may declare it void, and also, give Congress an opportunity to reduce our representation in the lower House, and our vote in the Electoral college, and it seems that the minority are not alone in the apprehension that something of this kind may occur.

The committee itself has expressed its want of confidence in the validity of this scheme, by recommending

the adoption of Section 19, which provides that if any section of the article should become inoperative and void by reason of the decision of any court of competent jurisdiction, the Legislature might remedy the defect caused by such decision,—an unusual and extraordinary conception.

Will any member of the committee, or any other candid man, maintain that this scheme is not intended to discriminate in favor of one race and against the other?

Aside from the Constitutional objections, there are other weighty reasons why this provision should not be in our Constitution:

First—It establishes a permanent, hereditary, governing class, which is undemocratic, un-republican, and un-American.

Second—It is not in keeping with the dignity of a progressive, just and enlightened State.

Third—It insults the white men of Alabama and proclaims their inferiority to the negro by requiring of them, as suffragans, a lower standard of capacity and intelligence than that required of the negro.

Fourth—It is impracticable of administration, owing to the impossibility of establishing, with any certainty, descent from remote ancestors. The field of speculation into which we are carried opens wide the doors of fraud and perjury.

Fifth—It is not necessary. The ballot can be secured to the honest and capable without resorting to this subterfuge.

Sixth—Out of respect for the opinion of thoughtful and fair minded men everywhere, we ought not to incorporate in our fundamental law this unwise and questionable scheme. It will retard the investment of capital, and check the flow of immigration to our State. Alabama should take no backward step.

Seventh—The adoption of a fair and honest suffrage plan would secure the sympathy and confidence of our fellow citizens in every section of the Union.

Eighth—By accepting this novel device we are launch-



ing the ship of state upon unexplored seas. We had better pursue the course our fathers traveled and use the helm with which they steered.

We adhere firmly to the Jacksonian Democratic doctrine of equal rights to all, special privileges to none.

Hence, we recommend that the aforesaid subdivision 2 of Section 4 be stricken out.

Respectfully submitted,

FRANK S. WHITE,  
S. H. DENT,  
GEO. P. HARRISON,  
WM. C. OATES.

Mr. Coleman, of Greene, moved that the report lie on the table, and that 2,000 copies of said report be printed, and that the report be taken up for consideration at the pleasure of the Convention.

The motion prevailed, and 2,000 copies were ordered printed.

Mr. Proctor moved that each delegate be allowed 12 copies of said report when printed.

The motion prevailed.

#### UNFINISHED BUSINESS.

The Convention proceeded to the consideration of the report of the Committee on Taxation.

The Chair stated that the question was upon the motion of Mr. Sollie to reconsider the vote by which Section 1 of the Article XI, reported by the Committee on Taxation, was adopted.

Mr. Sollie moved to indefinitely postpone the motion to reconsider, and the motion prevailed.

The question recurred upon the motion of Mr. deGraffenried to table Section 4 of the Article XI reported by the Committee on Taxation.

Mr. deGraffenried asked unanimous consent to withdraw his motion to table Section 4.

Consent was granted, and the motion to table was withdrawn.

Mr. deGraffenried offered the following amendment

to Section 4 of the Article XI reported by the Committee on Taxation:

Amend Section 4 by striking the words "sixty-five" and add in lieu thereof the words "seventy," and add to the end of the section the following: "The General Assembly shall, at each session, set apart a sufficient amount of such levy to pay the interest on the public debt, and the proceeds of the levy so set apart shall be used for no other purpose."

#### ADJOURNMENT.

Pending the further consideration of the report of the Committee on Taxation, the hour of 2 o'clock p. m. arrived, and under the resolution heretofore adopted the Convention adjourned until 10 o'clock Monday morning.

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### THIRTY-FOURTH DAY.

#### CONVENTION HALL.

Montgomery, Ala., Monday, July 1, 1901.

The Convention met pursuant to adjournment.

Prayer was offered by Rev. Dr. Patterson of the city.

#### ROLL CALL.

On a call of the roll of the Convention the following delegates answered to their names, which constitute a quorum:

Messrs. President,  
Almon,  
Ashcraft,  
Barefield,  
Beavers,

Beddow,  
Bethune,  
Blackwell,  
Brooks,  
Browne,

Burnett,  
Burns,  
Byars,  
Cardon,  
Carmichael (Colbert),  
Carnathon,  
Chapman,  
Cobb,  
Cofer,  
Coleman (Walker),  
Cunningham,  
Davis (DeKalb),  
Davis (Etowah),  
Dent,  
Eley,  
Eyster,  
Espy,  
Ferguson,  
Fletcher,  
Foshee,  
Foster,  
Gilmore,  
Glover,  
Graham (Montgomery),  
Grant,  
Grayson,  
Greer (Calhoun),  
Greer (Perry),  
Harrison,  
Heflin (Chambers),  
Heflin (Randolph),  
Henderson,  
Hinson,  
Hodges,  
Howze,  
Inge,  
Jackson,  
Jenkins,  
Jones (Bibb),  
Jones (Wilcox),  
Knight,

Kyle,  
Ledbetter,  
Leigh,  
Locklin,  
Lomax,  
Long (Butler),  
Long (Walker),  
Lowe (Jefferson),  
Lowe (Lawrence),  
Macdonald,  
Martin,  
Maxwell,  
Merrill,  
Miller (Marengo),  
Miller (Wilcox),  
Moody,  
Mulkey,  
Murphree,  
NeSmith,  
Norman,  
Norwood,  
Oates,  
O'Neal (Lauderdale),  
Opp,  
O'Rear,  
Palmer,  
Parker (Cullman),  
Parker (Elmore),  
Pettus,  
Phillips,  
Pillans,  
Pitts,  
Reese,  
Reynolds (Chilton),  
Robinson,  
Rogers (Lowndes),  
Rogers (Sumter),  
Sanders,  
Sanford,  
Sentell,  
Sloan,

Smith (Mobile),  
 Smith, Mac. A.,  
 Sollie,  
 Spears,  
 Spragins,  
 Stewart,  
 Studdard,  
 Tayloe,  
 Waddell,

Watts,  
 Weakley,  
 Weatherly,  
 White,  
 Whiteside,  
 Williams (Barbour),  
 Williams (Marengo),  
 Winn—109.

#### LEAVES OF ABSENCE.

Was granted to Messrs. Kirkland for to-day; Searcey for to-day; Smith, M. M., for to-day; Proctor for to-day; Reynolds, of Henry, for Saturday last and to-day; deGraffenried for to-day and to-morrow; Samford for to-day and to-morrow; Beavers for to-day; Altman indefinitely; Duke indefinitely; Walker for to-day and to-morrow; Willett for to-day; Case for to-day; Wilson, of Clarke, for to-day.

#### REPORT OF THE COMMITTEE ON THE JOURNAL.

The chairman of the Committee on the Journal submitted the following report, which was concurred in:

The Committee on the Journal beg leave to report that they have examined the Journal for the thirty-third day of the Convention and that the same is correct.

Respectfully submitted,

JOHN F. PROCTOR, *Chairman.*

#### RESOLUTIONS.

The following resolutions were introduced, severally read one time at length, and referred to appropriate committees, as follows:

Resolution 213, by Mr. Fletcher:

Whereas, this Convention was called chiefly to make a Constitution regulating suffrage and taxation, and

Whereas, more than one-half of the time allotted for

its work by the enabling act has been consumed in the passage of one article; and

Whereas, expedition is plainly essential to the carrying out of the purposes for which this Convention assembled, and to economize expenses to the State; and

Whereas, it is believed that the consideration and disposition of the Suffrage article as soon as possible will greatly facilitate and hasten to completion the business now before the Convention;

Therefore, be it Resolved, That after the adoption of the article now being discussed, the Article on Suffrage shall be taken up for consideration, and continued until finally disposed of;

Be it further Resolved, That all articles heretofore made special orders shall be postponed and taken up in their regular order after the article on Suffrage shall have been adopted.

The resolution was referred to the Committee on Rules.

Resolution 214, by Mr. Henderson:

Resolved, That whereas, under Chapter 5 of Article 1 of the Statutes of this State, it is provided that the expense incurred in maintaining the office of the Department of Agriculture shall be paid out of the funds to the credit of this department, derived from the sale of fertilizer tags, and further, provided, among other duties that the commissioner shall furnish information and illustrative maps, as to mines, minerals, forests, soils, climate, water, water power, industries, and aid in immigration, all of which is in the interest of the entire State; and

Whereas, this Convention, in adopting report of the Committee on Executive Department, has made the Department of Agriculture and Industries a constitutional office;

Now, therefore, be it Resolved by the people of Alabama, in Convention assembled, That no separate department of this State should be maintained out of any special tax levied and collected under the laws of this State.

Resolved further, That it being evident that the tax on fertilizers is largely in excess of the amount necessary for the protection of the farmers against spurious guanos, we therefore recommend that it shall be the duty of the General Assembly to enact such law as will require all taxes and licenses collected for the sale of fertilizer tags to be paid into the general fund of this State, as well as to make such just and proper reduction in said tax as will not exceed the cost of the purpose for which it was authorized to be levied and collected.

The resolution was referred to the Committee on Taxation.

#### REPORT OF STANDING COMMITTEES.

Mr. Heflin, of Randolph, chairman of the Committee on Schedules, Printing and Incidental Expenses, reported the following resolution favorably, with an amendment:

Resolution 168, by Mr. Oates:

Resolved, That inasmuch as the printed acts of the last session of the General Assembly are so voluminous as to make them unwieldy and easily destructible, that the Secretary of State be directed to have them bound as follows:

The General Laws in one volume, the General and Local Laws in two volumes; the additional cost, if any, to be paid out of the public printing appropriation.

Mr. Spragins moved to table the resolution 168.

The motion prevailed, and the resolution was laid upon the table.

#### UNFINISHED BUSINESS.

The Convention proceeded to the consideration of the unfinished business, which was the report of the Committee on Taxation.

The question was upon the amendment offered by deGraffenried to Section 4 of the Article XI, reported by the Committee on Taxation.

## RECESS.

Pending the further consideration of the report of the Committee on Taxation, the hour of 1 o'clock p. m. arrived, and under the rules, the Convention recessed until 3 o'clock this afternoon.

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## AFTERNOON SESSION.

The Convention met pursuant to adjournment.

## ROLL CALL.

On a call of the roll of the Convention the following delegates answered to their names, which constituted a quorum:

Messrs. President,	Coleman (Walker),
Almon,	Cornwell,
Ashcraft,	Cunningham,
Banks,	Davis (DeKalb),
Barefield,	Dent,
Beddow,	Eley,
Bethune,	Eyster,
Blackwell,	Espy,
Brooks,	Ferguson,
Browne,	Fletcher,
Burnett,	Foshee,
Burns,	Foster,
Byars,	Glover,
Cardon,	Grayson,
Carmichael (Colbert),	Greer (Calhoun),
Carnathan,	Greer (Perry),
Case,	Harrison,
Chapman,	Heflin (Chambers),
Cobb,	Heflin (Randolph),
Cofer,	Henderson,
Coleman (Greene),	Hinson,

Hodges,	Parker (Elmore),
Howell,	Pettus,
Inge,	Phillips,
Jenkins,	Pillans,
Jones (Montgomery),	Pitts,
Jones (Wilcox),	Reese,
Knight,	Reynolds (Chilton),
Kyle,	Reynolds (Henry),
Ledbetter,	Robinson,
Leigh,	Rogers (Lowndes),
Locklin,	Rogers (Sumter),
Lomax,	Sanders,
Long (Butler),	Sanford,
Long (Walker),	Sloan,
Lowe (Jefferson),	Smith (Mobile),
Lowe (Lawrence),	Smith, Mac. A.,
Macdonald,	Sollie,
Martin,	Sorrell,
Maxwell,	Spears,
Merrill,	Spragins,
Miller (Wilcox),	Tayloe,
Moody,	Waddell,
Mulkey,	Watts,
Murphree,	Weakley,
Norman,	Weatherly,
Norwood,	White,
O'Neal (Lauderdale),	Williams (Barbour),
Opp,	Williams (Marengo),
O'Rear,	Winn—101.
Palmer,	

# UNFINISHED BUSINESS.

The Convention proceeded to the consideration of the unfinished business, which was the report of the Committee on Taxation.

The question was upon the amendment offered by Mr. deGraffenried to Section 4 of the Article XI reported by the Committee on Taxation.

Mr. White moved to table the amendment offered by Mr. deGraffenried.



The motion prevailed, and the amendment was laid upon the table.

Mr. White moved to table Section 4 of Article XI, reported by the Committee on Taxation.

The motion to table was lost: Yeas, 32; nays, 66.

#### YEAS.

Messrs. Ashcraft,	Locklin,
Banks,	Lowe (Jefferson),
Barefield,	Murphree,
Beddow,	Norwood,
Cobb,	O'Neal (Lauderdale),
Davis (Etowah),	Opp,
Dent,	Reynolds (Chilton),
Eley,	Rogers (Lowndes),
Eyster,	Sanders,
Ferguson,	Smith (Mobile),
Graham (Montgomery),	Smith, Mac. A.,
Greer (Calhoun),	Waddell,
Henderson,	Watts,
Jenkins,	Weakley,
Jones (Bibb),	White,
Jones (Montgomery),	Williams (Barbour)—32.

#### NAYS.

Messrs. President,	Foshec,
Bethune,	Foster,
Brooks,	Gilmore,
Browne,	Glover,
Burnett,	Grant,
Burns,	Grayson,
Byars,	Greer (Perry),
Carnathan,	Harrison,
Cofer,	Heflin (Chambers),
Coleman (Walker),	Heflin (Randolph),
Cunningham,	Hinson,
Davis (DeKalb),	Hodges,
Espy,	Howze,
Fletcher,	Inge,

Jackson,  
 Jones (Wilcox),  
 Kirk,  
 Knight,  
 Kyle,  
 Leigh,  
 Long (Butler),  
 Long (Walker),  
 Macdonald,  
 Martin,  
 Maxwell,  
 Merrill,  
 Moody,  
 Mulkey,  
 NeSmith,  
 Norman,  
 O'Rear,  
 Parker (Elmore),  
 Pettus,

Phillips,  
 Pillans,  
 Pitts,  
 Reese,  
 Robinson,  
 Rogers (Sumter),  
 Sanford,  
 Sentell,  
 Sloan,  
 Sorrell,  
 Spears,  
 Spragins,  
 Stewart,  
 Studdard,  
 Tayloe,  
 Weatherly,  
 Whiteside,  
 Williams (Marengo),  
 Winn—66.

## PAIRS ANNOUNCED.

The following pairs were announced:

Messrs. Cornwell and Almon; Blackwell and Proctor; Graham, of Talladega, and Cardon; Carmichael, of Colbert, and Haley; Ledbetter and Coleman, of Greene; Lomax and Searcy; Selheimer and Lowe, of Lawrence; McMillan, of Wilcox, and Miller, of Marengo; Wilson, of Washington; and Miller, of Wilcox; Oates and Morrisette; Wilson, of Clarke, and Palmer; Kirkland and Sollie.

Messrs. Cornwell, Blackwell, Graham, of Talladega; Carmichael, of Colbert; Ledbetter, Lomax, Selheimer, McMillan, of Wilcox; Wilson, of Washington; Oates, Wilson, of Clarke; and Kirkland would vote aye; and Messrs. Almon, Proctor, Cardon, Haley, Coleman, of Greene; Searcy, Lowe, of Lawrence; Miller, of Marengo; Miller, of Wilcox; Morrisette, Palmer, and Sollie would vote nay.

Mr. Williams, of Marengo, moved to adopt Section 4, as reported by the committee.

The motion prevailed, and Section 4 was adopted.

#### SECTION FIVE.

Sec. 5. No county in this State shall be authorized to levy a larger rate of taxation, in any one year, on the value of the taxable property therein, than 1-2 of 1 per centum; provided, that to pay debts existing at the ratification of the Constitution of 1875, an additional rate of 1-4 of 1 per centum may be levied and collected, which shall be exclusively appropriated to the payment of such debts or the interest thereon; provided further, that to pay any debt or liability now existing against any county, incurred for the erection, construction and maintenance of the necessary public buildings or bridges or roads, any county may levy and collect such special taxes not to exceed a rate of 1-4 of 1 per centum, as may have been or may hereafter be authorized by law, which taxes so levied and collected shall be applied exclusively to the purposes for which the same were so levied and collected; provided further, that for the maintenance of public schools any county may levy and collect such special tax as may be authorized by law, provided such special tax, the time it is to continue, and the purposes thereof, shall have been first submitted to a vote of the property taxpayers, who are qualified electors in said county and voted for by majority thereof in numbers and in value of taxable property, voting at such election, provided that the rate of such special tax for maintenance of public schools shall not increase the rate of taxation in any one year to more than \$1.25 on every one hundred dollars worth of taxable property, for all State and County purposes, excluding any special tax for the erection, construction and maintenance of necessary public buildings, bridges and roads; and provided further, that such special tax for schools shall be apportioned equitably and paid to the public schools of such county, by the Court of County Commissioners or Board of Revenue thereof.

Was read at length.

Mr. Cunningham offered the following amendment

to Section 5 of the Article XI reported by the Committee on Taxation:

Strike out in the fifteenth line the phrase "property tax payers who are" and in the sixteenth line the following words "in numbers and in value of taxable property."

#### ADJOURNMENT.

Pending the further consideration of the amendment to Section 5 of the Article XI, reported by the Committee on Taxation, the hour of 5 o'clock p. m. arrived, and under the rules the Convention adjourned until 10 o'clock to-morrow morning.

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### THIRTY-FIFTH DAY.

#### CONVENTION HALL.

Montgomery, Ala., Tuesday, July 2, 1901.

The Convention met pursuant to adjournment.

Prayer was offered by Rev. Mr. Patterson of the city.

#### ROLL CALL.

On a call of the roll of the Convention the following delegates answered to their names, which constitute a quorum:

Messrs. President,  
Almon,  
Ashcraft,  
Banks,  
Barefield,  
Beavers,  
Beddow,  
Bethune,  
Blackwell,  
Brooks,

Browne,  
Bulger,  
Burnett,  
Burns,  
Byars,  
Cardon,  
Carmichael (Colbert),  
Carmichael (Coffee),  
Carnathon,  
Chapman,

Cobb,	Knight,
Cofer,	Kirkland,
Coleman (Walker),	Kyle,
Craig,	Ledbetter,
Cunningham,	Leigh,
Davis (DeKalb),	Locklin,
Davis (Etowah),	Lomax,
Dent,	Long (Butler),
Duke,	Long (Walker),
Eley,	Lowe (Jefferson),
Eyster,	Lowe (Lawrence),
Espy,	Macdonald,
Ferguson,	McMillan (Wilcox),
Fitts,	Martin,
Foshee,	Maxwell,
Foster,	Merrill,
Freeman,	Miller (Marengo),
Gilmore,	Miller (Wilcox),
Glover,	Moody,
Graham (Montgomery),	Mulkey,
Grant,	Murphree,
Grayson,	NeSmith,
Greer (Calhoun),	Norman,
Greer (Perry),	Norwood,
Haley,	Oates,
Harrison,	O'Neal (Lauderdale),
Heflin (Chambers),	Opp,
Heflin (Randolph),	O'Rear,
Henderson,	Palmer,
Hinson,	Pearce,
Hodges,	Pettus,
Hood,	Phillips,
Howze,	Pillans,
Inge,	Pitts,
Jackson,	Reese,
Jenkins,	Reynolds (Chilton),
Jones (Bibb),	Reynolds (Henry),
Jones (Hale),	Robinson,
Jones (Montgomery),	Rogers (Lowndes),
Jones (Wilcox),	Rogers (Sumter),
Kirk,	Sanders,

Sanford,  
Searcy,  
Selheimer,  
Sentell,  
Sloan,  
Smith (Mobile),  
Smith, Mac. A.,  
Smith, Morgan M.,  
Sollie,  
Sorrell,  
Spears,  
Spragins,  
Stewart,  
Studdard,

Tayloe,  
Waddell,  
Walker,  
Watts,  
Weakley,  
Weatherly,  
White,  
Whiteside,  
Willett,  
Williams (Barbour),  
Williams (Marengo),  
Wilson (Clarke).  
Winn—130.

## LEAVE OF ABSENCE.

Was granted to Messrs. Carmichael, of Coffee, for yesterday; Thompson for Saturday last, yesterday and to-day; Renfro for yesterday and to-day.

## REPORT OF THE COMMITTEE ON THE JOURNAL.

The chairman of the Committee on the Journal submitted the following report, which was concurred in:

The Committee on the Journal beg leave to report that they have examined the Journal for the thirty-fourth day of the Convention, and that the same is correct.

Respectfully submitted,

JOHN F. PROCTOR, *Chairman.*

## RESOLUTION TAKEN FROM TABLE.

Mr. Robinson moved to take from the table the report of the Committee on Rules, which report contains resolution 166. Said report reads as follows:

Amend resolution 166, by Mr. Harrison, of Lee, so as to read as follows:

Resolved, That all speeches on amendments to ordinances reported by standing committees be limited to

five minutes each, whether made before or after the ordering of the previous question.

The original resolution reads as follows:

Resolved, That all speeches to amendments on ordinances reported by standing committees, whether made before or after the ordering of the previous question, be limited to five minutes each.

The motion prevailed, and the resolution was taken from the table.

Mr. Sollie offered the following amendment to the resolution:

Amend by striking the word "five" and substitute therefor the word "ten" so that it will read ten minutes.

Mr. Kirkland moved to table the amendment offered by Mr. Sollie.

The motion was lost.

Mr. Rogers, of Sumter, moved to adopt the amendment offered by Mr. Sollie.

The motion prevailed, and the amendment was adopted.

Mr. Rogers, of Sumter, moved to adopt the amendment reported by the committee.

The motion prevailed, and the amendment was adopted.

Mr. Rogers, of Sumter, moved the adoption of the resolution as amended.

The motion prevailed, and the resolution was adopted.

#### RESOLUTIONS.

The following resolutions were offered, severally read one time at length, and the rules were suspended and the resolutions were adopted:

Resolution 215, by Mr. Cobb:

Whereas, One of our colleagues, realizing the truth of the sentiment that it is not well for man to live alone, has taken to himself a life companion; and,

Whereas, We recognize in this course of our brother delegate the exhibition of that wisdom and prudence which have always characterized him; and,

Whereas, This Convention desires to put the stamp

of approval upon conduct so eminently conducive to the happiness and usefulness of men; and,

Whereas, The family relation is the chief corner stone of our political institutions;

Therefore, be it resolved, That we, the members of this Convention, extend to Hon. E. D. Willett and his accomplished wife our sincere felicitations, and express to them our earnest wish that the journey on which they have recently entered may be thornless and protracted, leading them at the last to that perfect bliss which comes to those who make secure entrance into the beautiful land.

Resolved, That the clerk of this Convention deliver to Mr. and Mrs. Willett a certified copy of these resolutions.

• Resolution 216, by Mr. Dent:

That hereafter the hours of the session of this Convention shall be as follows: Meet daily at 9:30 a. m., adjourn at 1 p. m.; meet at 3:30 p. m., and adjourn at 6 p. m.

Mr. Pettus offered the following amendment to the resolution:

Amend by striking out 6 p. m. and inserting in lieu thereof 5:30 p. m.

The amendment was lost.

Mr. Bulger offered the following amendment:

Amend by striking out 3:30 and adding 4 where it appears in the resolution.

The amendment was lost.

The resolution was thereupon adopted, the rules having been suspended.

*Mr. President:*

The Committee on Executive Department direct me to ask that the article on the Executive Department, which has heretofore been adopted and been engrossed, be ordered to a third reading, and they recommend the adoption of the accompanying resolution.

THOS. G. JONES, *Chairman.*



Resolution 217, by Mr. Jones, of Montgomery:

Resolved, That the ordinance to create and define the Executive Department be now taken up and ordered to a third reading and final passage.

Mr. Jones, of Montgomery, moved to suspend the rules and adopt the resolution.

The motion prevailed, and the resolution was adopted.

#### ORDINANCE ON THIRD READING.

Under the resolution 217 heretofore adopted the ordinance "To create and define the Executive Department" was ordered to a third reading.

Mr. Long, of Walker, moved to reconsider the vote by which the resolution 217 ordering the ordinance to a third reading was adopted.

Mr. Williams, of Marengo, moved that the rules be suspended and that the motion of Mr. Long, of Walker, be considered immediately.

The motion prevailed, and the rules were suspended.

Mr. Miller, of Marengo, moved that the motion of Mr. Long, of Walker, be laid upon the table.

The motion prevailed, and the motion of Mr. Long, of Walker, was laid upon the table.

The ordinance "To create and define the Executive Department," was read a third time at length, as follows, and adopted:

An ordinance to create and define the Executive Department.

Be it ordained by the people of Alabama, in Convention assembled, that Article V of the Constitution be stricken out and the following article inserted in lieu thereof:

#### ARTICLE V.

##### EXECUTIVE DEPARTMENT.

Section 1. The Executive Department shall consist of a Governor, Lieutenant Governor, Secretary of

State, Auditor, Treasurer, Attorney General, Superintendent of Education, Commissioner of Agriculture and Industries, and a Sheriff for each county.

Sec. 2. The supreme executive power of this State shall be vested in a chief magistrate, who shall be styled "the Governor of the State of Alabama."

Sec. 3. The Governor, Lieutenant Governor, Secretary of State, Treasurer, Auditor, Attorney General, Superintendent of Education, and Commissioner of Agriculture and Industries shall be elected at the same time and place appointed for the election of members to the General Assembly in 1902, and every four years thereafter by the qualified electors of the State.

Sec. 4. The returns for every election for Governor, Lieutenant Governor, Secretary of State, Auditor, Treasurer, Attorney General, Superintendent of Education, and Commissioner of Agriculture and Industries, shall be sealed up and transmitted by the returning officers to the seat of government, and directed to the Speaker of the House of Representatives, who shall during the first week of the session to which such returns shall be made, open and publish them in the presence of both Houses of the General Assembly in joint convention; but the Speaker's duty, and the duty of the joint convention shall be purely ministerial. The result of the election shall be ascertained and declared by the Speaker from the face of the returns without delay. The person having the highest number of votes for any one of said offices shall be declared duly elected; but if two or more persons shall have an equal and highest number of votes for the same office, the General Assembly, by joint vote, without delay, shall choose one of said persons for said office. Contested elections for Governor, Lieutenant Governor, Secretary of State, Auditor, Treasurer, Attorney General, Superintendent of Education, and Commissioner of Agriculture and Industries shall be determined by both Houses of the General Assembly in such manner as may be prescribed by law.

Sec. 5. The Governor, Lieutenant Governor, Secre-

tary of State, State Treasurer, Attorney General, State Auditor, Superintendent of Education, and Commissioner of Agriculture and Industries elected in the year 1902, shall hold their respective offices for the term of four years from the fifteenth day of November of the year in which they shall have been elected, and until their successors shall be elected and qualified, and after the first election under this Constitution no one of said officers shall be eligible as his own successor; and the Governor shall not be eligible to election or appointment to any office under this State or to the Senate of the United States within one year after the expiration of his term.

Sec. 6. The Governor and Lieutenant Governor shall each be at least thirty years of age when elected, and shall have been citizens of the United States ten years and resident citizens of this State at least seven years next before the date of their election. The Lieutenant Governor shall be ex-officio President of the Senate, which shall elect a President pro tem from among its own members, who shall discharge the duties of the Lieutenant Governor in the Senate, whenever he is absent or disqualified. But the Lieutenant Governor, when acting as President of the Senate, shall have no right to vote, except in the event of a tie.

Sec. 7. The Governor, Lieutenant Governor, Secretary of State, Auditor, Treasurer, Commissioner of Agriculture and Industries, Attorney-General, Superintendent of Education shall receive compensation for their services, which shall be fixed by law, and which shall not be increased or diminished during the term for which they shall have been elected, and shall, except the Lieutenant Governor, reside at the State Capital, during the time they continue in office, except in cases of epidemic. The Lieutenant Governor shall be paid the same compensation as that received by the Speaker of the House, except when serving as Governor, when he shall receive the salary of said officer.

Sec. 8. If the session of the General Assembly next after the ratification of this Constitution shall enact

a law increasing the salary of the Governor, such increase shall become effective and apply to the first Governor elected after the ratification of this Constitution, if the General Assembly shall so determine.

Sec. 9. The Governor shall take care that the laws be faithfully executed.

Sec. 10. The Governor may require information in writing, under oath, from the officers of the Executive Department named in this article, or created by statute, on any subject relating to the duties of their respective offices; and he may at any time require information in writing, under oath, from all officers and managers of State institutions, upon any subject relating to the condition, management, and expenses of their respective offices and institutions. Any such officer or manager who makes a wilfully false report, or fails without sufficient excuse to make such report on demand, is guilty of an impeachable offense.

Sec. 11. The Governor may, by proclamation on extraordinary occasions, convene the General Assembly at the seat of government, or, at a different place, if since their last adjournment, that shall have become dangerous from an enemy, insurrection, or other lawless outbreak, or from any infectious or contagious disease; he shall state specifically in such proclamation each matter concerning which the action of that body is deemed necessary.

Sec. 12. The Governor shall, from time to time, give to the General Assembly information of the state of the government, and recommend to their consideration such measures as he may deem expedient; and at the commencement of each regular session of the General Assembly, and at the close of his term of office, give information, by written message, of the condition of the State; and he shall account to the General Assembly, as may be prescribed by law, for all moneys received and paid out by him, or by his order; and, at the commencement of each regular session, he shall present to the General Assembly estimates of the amount of money required to be raised by taxation for all purposes.

Sec. 13. The Governor shall have power to remit fines and forfeitures, under such rules and regulations as may be prescribed by law; and, after conviction, to grant reprieves, paroles, commutations of sentence and pardons, except in cases of impeachment. The Attorney General, Secretary of State and State Auditor shall constitute a Board of Pardons, who shall meet on the call of the Governor, and before whom shall be laid all recommendations or petitions, for pardon or commutations or paroles, in cases of felony; and the Board shall hear them in open session, and give their opinion in writing, to the Governor thereon, after which or on the board's failure to advise for more than sixty days, the Governor may grant or refuse the commutation, parole or pardon, as to him seems best for the public interest. He shall communicate to the General Assembly at each session each case of remission of fines and forfeitures, reprieves, commutation, parole, or pardon, with his reasons therefor, and the opinion of the Board of Pardons in each case required to be referred; stating the name, the crime of the convict, the sentence, its date, and the date of reprieve, commutation, parole or pardon. Pardons in cases of felony and other offenses involving moral turpitude, shall not relieve from civil and political disabilities, unless specifically expressed in the pardon, and approved by the Board of Pardons.

Sec. 14. Every bill which shall have passed both Houses of the General Assembly shall be presented to the Governor; if he approve, he shall sign it; but if not, he shall return it, with his objections, to that House in which it shall have originated, who shall enter the objections at large upon the Journal, and proceed to reconsider it. If the Governor's message proposes no amendment which would remove his objections to the bill, the House in which the bill originated may proceed to reconsider it, and if a majority of the whole number elected to that House vote for the passage of the bill, the bill shall be sent to the other House, which shall, in like manner, reconsider, and if a majority of

the whole number elected to that House vote for the passage of the bill the same shall become a law, notwithstanding the Governor's veto. If the Governor's message proposes amendment which would remove his objections, the House to which it is sent may so amend the bill and send it with the Governor's message to the other House, which may adopt, but cannot amend said amendment; and both Houses concurring in the amendment, the bill shall again be sent to the Governor, and acted on by him as on other bills. If the House to which the bill is returned refuses to make such amendment, it shall proceed to reconsider; and if a majority of the whole number elected to that House, shall vote for the passage of the bill, it shall be sent with the objections to the other House, by which it shall likewise be reconsidered, and if approved by a majority of the whole number of that House, it shall become a law. If the House to which the bill is returned makes the amendment and the other House declines to pass the same, that House shall proceed to reconsider, as though the bill had originated therein, and such proceedings shall be taken thereon as above provided. In every case, the vote of both Houses shall be determined by yeas and nays, and the names of the members voting for or against the bill shall be entered upon the Journals of each House respectively. If any bill shall not be returned by the Governor, Sundays excepted, within six days after it shall have been presented, the same shall become a law in like manner as if he had signed it, unless the General Assembly, by their adjournment, prevent its return, in which case it shall not be a law; but when return is prevented by recess such bill must be returned to the House in which it originated within two days after reassembling otherwise it shall become a law; bills presented to the Governor within five days before the adjournment of the General Assembly may be approved by the Governor at any time within ten days after the final adjournment, if approved and deposited with the Secretary of State within that time. Every

vote, order or resolution to which concurrence of both Houses may be necessary, except questions of adjournment, and the bringing on of elections by the two Houses, and amending this Constitution, shall be presented to the Governor; and before the same shall take effect, be approved by him; or, being disapproved, shall be re-passed by both Houses, according to the rules and limitations prescribed in the case of a bill.

Sec. 15. The Governor shall have power to approve or disapprove any item or items of any bill making appropriations embracing distinct items, and the part or parts of the bill approved shall be the law; and the item or items disapproved shall be void, unless re-passed, according to the rules and limitations prescribed for the passage of other bills over the Executive veto; and he shall in writing, state specifically the item or items he disapproves, setting the same out in full in his message; but in such case, the enrolled bill shall not be returned with the Governor's objection.

Sec. 16. In case of the Governor's removal from office, death or resignation, the Lieutenant Governor shall become Governor. If both the Governor and Lieutenant Governor are removed from office, die or resign, prior to the next general election, after their election, for members of the General Assembly, the Governor and Lieutenant Governor shall be elected at such election for the unexpired term, and in the event of a vacancy in the office, caused by the removal from office, death or resignation, of the Governor and the Lieutenant Governor, pending such vacancy and until their successors shall be elected and qualified, the office of Governor shall be held and administered by either the President pro tem of the Senate, Speaker of the House of Representatives, Attorney General, Auditor, Secretary of State or Treasurer, and in the order herein named. In case of the impeachment of the Governor, his absence from the State for more than twenty days, unsoundness of mind, or other disability, the power and authority of the office shall devolve, in the order herein named, upon the Lieu-

tenant Governor, President pro tem of the Senate, Speaker of the House of Representatives, Attorney General, State Auditor, Secretary of State, and State Treasurer; if any of these officers be under any of the disabilities herein specified, the office of Governor shall be administered in the order named by these officers free from such disability, until the Governor is acquitted, returns to the State, or is restored to his mind, or relieved from other disability. If the Governor shall be absent from the State over twenty days, the Secretary of State shall notify the Lieutenant Governor, who shall enter upon the duties of Governor; if both the Governor and Lieutenant Governor shall be absent from the State over twenty days, the Secretary of State shall notify the President pro tem of the Senate, who shall enter upon the duties of the Governor, and so on, in case of such absence, he shall notify each of the other officers named in their order, who shall discharge the duties of Governor, until the Governor or other officers entitled to administer the office in succession to the Governor, returns. If the Governor-elect fails or refuses from any cause, to qualify, the Lieutenant-elect shall qualify, and cause, to qualify, the Lieutenant Governor-elect shall qualify, and exercise the duties of the Governor's office until the Governor-elect qualifies; and in the event both the Governor-elect and Lieutenant Governor-elect, from any cause fail to qualify, the President pro tem of the Senate, the Speaker of the House of Representatives, the Attorney General, State Auditor, Secretary of State, and State Treasurer shall in like manner, in the order named, administer the government until the Governor or Lieutenant Governor-elect qualifies.

Sec. 17. If the Governor or other officer administering the office shall appear to become of unsound mind, it shall be the duty of the Supreme Court of Alabama, upon request in writing of any two of the officers named in Section 15, not next in succession of the Governor, ascertain the mental condition of the Governor, or other



officer exercising the office, and if he is of unsound mind, to so certify upon its minutes; a copy of which, duly certified, shall be filed in the office of the Secretary of State; and in that event, it shall be the duty of the officer next in succession, to perform the duties of the Governor until the Governor or other officer administering the office is restored to his mind. When the incumbent denies that the Governor or other person entitled to administer the office has been restored to his mind, the Supreme Court, at the instance of any officer named in Section 15, shall ascertain the truth concerning the same, and if the officer has been restored to his mind, shall so certify on its minutes, and file a duly certified copy thereof with the Secretary of State, and in that event his office shall be restored to him. The request in writing herenabove provided for shall be verified by the affidavit of those making such request. And the Supreme Court shall prescribe rules of practice in such proceedings, which rules shall include a provision for the service of notice on the Governor of such proceedings, and the method of taking testimony therein.

Sec. 18. The Lieutenant Governor, the President pro tem of the Senate, and the Speaker of the House of Representatives, Attorney General, State Auditor, Secretary of State and State Treasurer while administering the office of Governor shall receive like compensation, and no other than that prescribed by law for the Governor.

Sec. 19. No person shall at one and the same time hold the office of Governor of this State and any office, civil or military, either under this State or the United States, or any other State or government, except as otherwise provided in this Constitution.

Sec. 20. The Governor shall be commander in chief of the militia and volunteer forces of this State, except when they shall be called into the service of the United States; and he may call out the same to execute the laws, suppress insurrection, and repel invasion; but need not command in person unless directed to do so by resolution of the General Assembly, and when acting in the

service of the United States, he shall appoint his staff and the General Assembly shall fix his rank.

Sec. 21. No person shall be eligible to the office of Secretary of State, State Treasurer, State Auditor, Superintendent of Education, Attorney General, or Commissioner of Agriculture and Industries, unless he shall have been a citizen of the United States at least seven years, and shall have resided in this State at least five years next preceding his election, and shall be at least twenty-five years old when elected.

Sec. 22. There shall be a Great Seal of the State, which shall be used officially by the Governor, and the Seal now in use shall continue to be used until another shall have been adopted by the General Assembly. Said Seal shall be called the Great Seal of the State of Alabama.

Sec. 23. The Secretary of State shall be the custodian of the Seal of the State, and shall authenticate therewith all official acts of the Governor; his approval of laws, resolutions, appointments to office and administrative orders, excepted. He shall keep a register of the official acts of the Governor, and when necessary, shall attest them, and lay copies of same, together with copies of all papers relative thereto, before either House of the General Assembly, when required to do so, and shall perform such other duties as may be prescribed by law.

Sec. 24. All grants and commissions shall be issued in the name and by the authority of the State of Alabama, sealed with the Great Seal and signed by the Governor, and countersigned by the Secretary of State.

Sec. 25. Should the office of Secretary of State, State Auditor, State Treasurer, Attorney General, Superintendent of Education, or Commissioner of Agriculture and Industries become vacant, for any cause, the Governor shall fill such vacancy until the disability is removed or a successor elected and qualified. In case any of said officers shall become of unsound mind, such unsoundness shall be ascertained by the Supreme Court upon the suggestion of the Governor.

Sec. 26. The State Treasurer, State Auditor, Secretary of State, Attorney General and the Commissioner of

Agriculture and Industries shall perform such duties as may be prescribed by law. The State Treasurer and State Auditor shall every year at a time the General Assembly may fix make a full and complete report to the Governor, showing the receipts and disbursements or revenues of every character, and all claims audited and paid out by items, and all taxes and revenues collected and paid into the Treasury, and from what sources and they shall make reports oftener upon any matters pertaining to their office if required by the Governor or General Assembly.

Sec. 27. The State Auditor, State Treasurer, Attorney General, Secretary of State, and Commissioner of Agriculture and Industries shall not receive to their use any fees, costs, perquisites of office, or other compensation than their salaries as prescribed by law, and all fees that may be payable for any services performed, through such officers, shall be at once paid into the State Treasury.

Sec. 28. A Sheriff shall be elected in each county by the qualified electors thereof, who shall hold his office for a term of four years, unless sooner removed, and shall be ineligible to such office as his own successor. Whenever any prisoner is taken from the jail or from the custody of the Sheriff, or his deputies, and put to death, or suffers grievous bodily harm, owing to the neglect, connivance, cowardice or other grave fault of the Sheriff, such Sheriff may be impeached under Section 2 of Article VII of the Constitution; and the Governor when satisfied after hearing the Sheriff, that he should be impeached, may suspend him from office until the impeachment proceedings are decided. If the Sheriff be impeached he shall not be eligible to hold any other office in this State during the time for which he had been elected to serve as Sheriff.

Yeas, 101; nays, 20.

## YEAS.

Messrs. President,  
Almon,  
Ashcraft,  
Banks,  
Beavers,  
Beddow,  
Bethune,  
Blackwell,  
Brooks,  
Browne,  
Bulger,  
Burnett,  
Burns,  
Cofer,  
Cornwell,  
Craig,  
Cunningham,  
Davis (Etowah),  
Dent,  
Duke,  
Eley,  
Eyster,  
Espy,  
Fitts,  
Fletcher,  
Foshee,  
Foster,  
Gilmore,  
Glover,  
Grant,  
Grayson,  
Greer (Calhoun),  
Harrison,  
Heflin (Randolph),  
Henderson,  
Hinson,  
Hood,  
Howze,  
Inge,  
Jackson,

Jones (Bibb),  
Jones (Hale),  
Jones (Montgomery),  
Jones (Wilcox),  
Kirk,  
Kirkland,  
Knight,  
Kyle,  
Ledbetter,  
Leigh,  
Lomax,  
Lowe (Jefferson),  
Lowe (Lawrence),  
McMillan (Wilcox),  
Martin,  
Maxwell,  
Merrill,  
Miller (Marengo),  
Miller (Wilcox),  
Mulkey,  
Murphree,  
NeSmith,  
Norman,  
Norwood,  
Oates,  
O'Neal (Lauderdale),  
Opp,  
O'Rear,  
Palmer,  
Parker (Cullman),  
Parker (Elmore),  
Pettus,  
Pitts,  
Reese,  
Reynolds (Henry),  
Robinson,  
Rogers (Lowndes),  
Rogers (Sumter),  
Sanders,  
Searcy,

Selheimer,  
Sentell,  
Smith (Mobile),  
Smith, Mac. A.,  
Smith, Morgan M.,  
Sorrell,  
Spears,  
Spragins,  
Studdard,  
Tayloe,

Waddell,  
Watts,  
Weakley,  
Weatherly,  
White,  
Whiteside,  
Willett,  
Williams (Barbour),  
Wilson (Clarke),  
Winn—101.

## NAYS.

Messrs. Barefield,  
Byars,  
Cardon,  
Carmichael (Colbert),  
Carmichael (Coffee),  
Carnathon,  
Chapman,  
Cobb,  
Davis (DeKalb),  
Greer (Perry),

Haley,  
Jenkins,  
Long (Walker),  
Macdonald,  
Moody,  
Phillips,  
Proctor,  
Reynolds (Chilton),  
Sloan,  
Sollie—20.

## RECONSIDERATION.

Mr. Reese moved to reconsider the vote by which the ordinance was adopted.

Under the rules the motion goes over until to-morrow.

## UNFINISHED BUSINESS.

The Convention proceeded to the consideration of the unfinished business, which was the report of the Committee on Taxation.

The question was upon the amendment of Mr. Cunningham to Section 5 of the Article XI reported by the Committee on Taxation.

Mr. Merrill offered the following substitute for the amendment offered by Mr. Cunningham:

Substitute for amendment to Section 5 of Article on Taxation:

In line sixteen, before the word "by," insert the letter "a," and after the word "majority" insert "of two-thirds." Strike out in lines sixteen and seventeen the words "in number and in value of taxable property." Strike out in line fifteen "property tax payers who are."

RECESS.

Pending the further consideration of the report of the Committee on Taxation, the hour of 1 o'clock arrived, and under the rules the Convention recessed until 3:30 o'clock this afternoon.

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AFTERNOON SESSION.

The Convention met pursuant to adjournment.

ROLL CALL.

On a call of the roll of the Convention, the following delegates answered to their names, which constituted a quorum:

Messrs. President,  
Almon,  
Ashcraft,  
Banks,  
Barefield,  
Bartlett,  
Beavers,  
Beddow,  
Bethune,  
Blackwell,  
Brooks,  
Browne,  
Bulger,  
Burnett,

Burns,  
Byars,  
Cardon,  
Carmichael (Colbert),  
Carmichael (Coffee),  
Carnathon,  
Chapman,  
Cobb,  
Cofer,  
Coleman (Greene),  
Cornwell,  
Craig,  
Cunningham,  
Davis (DeKalb),

Davis (Etowah),	Lowe (Lawrence),
Dent,	Macdonald,
Duke,	McMillan (Wilcox),
Eley,	Martin,
Eyster,	Maxwell,
Espy,	Merrill,
Ferguson,	Miller (Marengo),
Fitts,	Miller (Wilcox),
Fletcher,	Moody,
Foshee,	Mulkey,
Foster,	Murphree,
Gilmore,	NeSmith,
Glover,	Norman,
Graham (Montgomery),	Norwood,
Grayson,	Oates,
Greer (Calhoun),	O'Neal (Lauderdale),
Greer (Perry),	Opp,
Haley,	O'Rear,
Harrison,	Palmer,
Heflin (Chambers),	Parker (Cullman),
Heflin (Randolph),	Parker (Elmore),
Henderson,	Pettus,
Hodges,	Phillips,
Hood,	Pillans,
Howze,	Pitts,
Inge,	Proctor,
Jackson,	Reese,
Jenkins,	Reynolds (Chilton),
Jones (Bibb),	Reynolds (Henry),
Jones (Hale),	Robinson,
Jones (Wilcox),	Rogers (Lowndes),
Kirk,	Rogers (Sumter),
Kirkland,	Sanders,
Knight,	Sanford,
Kyle,	Searcy,
Lelbetter,	Selheimer,
Leigh,	Sentell,
Locklin,	Sloan,
Lomax,	Smith (Mobile),
Long (Butler),	Smith, Mac. A.
Long (Walker),	Smith, Morgan M.,

Sollie,  
Sorrell,  
Spears,  
Spragins,  
Stewart,  
Studdard,  
Tayloe,  
Vaughan,  
Waddell,  
Watts,

Weakley,  
Weatherly,  
White,  
Whiteside,  
Willett,  
Williams (Barbour),  
Williams (Marengo),  
Wilson (Clarke),  
Winn—129.

#### UNFINISHED BUSINESS.

The Convention proceeded to the consideration of the unfinished business, which was the consideration of the report of the Committee on Taxation.

The question was upon the substitute offered by Mr. Merrill for the amendment offered by Mr. Cunningham to Section 5 of Article XI reported by the Committee on Taxation.

Mr. Bulger moved to table Section 5, and the pending amendments thereto, to be taken from the table and considered with the report of the Committee on Education.

The motion prevailed, and Section 5 and the pending amendments were laid upon the table.

#### SECTION SIX.

Sec. 6. The property of private corporations, associations and individuals of this State shall forever be taxed at the same rate; provided, this section shall not apply to institutions devoted exclusively to religious, educational or charitable purposes.

Was read at length.

Mr. Long, of Walker, offered the following amendment:

Amend Section 6, line six, after the word "educational" by adding the words "that not over 1,500 acres of land held for educational purposes shall be exempted



from county taxation;" provided that all buildings and personal property of every description shall be exempted from all taxation.

Mr. Browne moved to table the amendment offered by Mr. Long, of Walker.

The motion prevailed and the amendment was laid upon the table.

Mr. Browne moved to adopt Section 6 of the Article XI reported by the Committee on Taxation.

The motion prevailed and Section 6 was adopted.

#### SECTION SEVEN.

Sec. 7. No city, town or other municipal corporation other than provided for in this article, shall levy or collect a larger rate of taxation in any one year on the property thereof, than 1-2 of 1 per centum of the value of such property, as assessed for State taxation during the preceding year; provided, that for the payment of debts existing at the time of the ratification of the Constitution of 1875 and the interest thereon, an additional rate of 1 per centum may be collected, to be applied exclusively to such indebtedness; provided, further, that for the maintenance of public schools such city, town or other municipal corporation may levy and collect such special tax as may be authorized by law, provided such special tax shall not be levied and collected when it shall cause a greater rate of taxation in any one year than one dollar and seventy-five cents on every hundred dollars of taxable property, for all State, county and municipal purposes, except the erection, construction and maintenance by counties of necessary public buildings, bridges or roads, and provided such special tax for schools, the time it is to continue, and the purposes thereof, shall have been first submitted to a vote of the property tax payers who are qualified electors in said city, town or other municipal corporations, and voted for by majority thereof, in numbers, and in value of taxable property, voting at such election, and provided such tax for schools shall be apportioned equitably and

paid to the public schools of said city, town or other municipal corporation by the municipal authorities thereof; and provided, this section shall not apply to the city of Mobile, which city may levy a tax not to exceed the rate of 3-4 of 1 per centum to pay the expenses of the city government, and may also levy a tax not to exceed the rate of 3-4 of 1 per centum to pay the indebtedness of said city existing at the time of the ratification of the Constitution of 1875, and the interest thereon; provided further, that this section shall not apply to the city of Birmingham, which city may levy and collect a tax not exceeding 1-2 of 1 per centum, in addition to the tax of 1-2 of 1 per centum hereinabove allowed to be levied and collected, such special tax to be applied exclusively to the payment of the interest on the bonds of the said city of Birmingham heretofore issued by said city in pursuance of law, and for a sinking fund to pay off said bonds at the maturity thereof.

Was read at length.

Mr. Kyle offered the following amendment to Section 7 of the Article XI reported by the Committee on Taxation:

Amendment to Section 7, by Mr. Kyle:

Strike out all of said section commencing on the eighth line after the word "collect" and ending with the word "qualified" on the fifteenth line, and insert the following:

A special tax not to exceed  $\frac{1}{4}$  of 1 per cent., provided such tax shall not be levied and collected until such special tax for public schools, the time it is to continue and the purpose thereof, shall have been submitted to a vote of the qualified.

And to further amend said section, commencing after the word "thereof" on the twenty-ninth line, and read as follows:

And provided all cities, towns and municipal corporations in this State, except the cities of Mobile and Birmingham, otherwise provided for in this Constitution, having a bonded indebtedness created after the adoption of the Constitution of 1875, and now in effect, as well

as all cities, towns and municipal corporations in this State that desire to raise means to secure light plants, water works and sanitary sewerage by the issuance of bonds within the limit prescribed in this Constitution, shall be authorized to levy and collect a tax not to exceed  $\frac{1}{4}$  of 1 per cent. on all real and personal property listed for taxation in said cities; to be applied exclusively to the payment of interest on such bonded indebtedness, and to provide a sinking fund to pay off the bonds at maturity; provided, such levy and collection of said tax shall first have been submitted to a vote of the qualified electors of such city, town or municipal corporation, and voted for by a majority thereof in number and value of taxable property voting at such election.

Mr. Foster offered the following amendment to the amendment offered by Mr. Kyle:

Amend Section 7 by striking out of line seven the words "maintenance of public schools," and inserting in lieu thereof the following: "Payment of debts, existing at the ratification of this Constitution, and interest thereon." And by striking out all from and after the word "roads," in line thirteen, to and including the word "thereof" in line nineteen, and inserting in lieu thereof the following, "and provided that the question whether or not such special tax shall be levied be first submitted to a vote of the qualified electors in said city, town or other municipal corporation, and voted for by a majority thereof."

Mr. Weakley moved to table the section and amendments, to be taken up and considered with the report of the Committee on Municipal Corporations.

The motion prevailed, and the Section 7 and amendments were laid upon the table.

#### SECTION EIGHT.

Sec. 8. The General Assembly shall not have the power to require the counties or other municipal cor-

porations to pay any charges which are now payable out of the State Treasury.

Was read at length.

On motion of Mr. Carmichael, of Coffee, Section 8 was adopted.

#### SECTION NINE.

Sec. 9. No county shall become indebted in an amount greater than 5 per centum of the taxable value of the property thereof; provided, this section shall not apply to any indebtedness in excess of such 5 per cent. which has already been created, or authorized by law to be created.

Was read at length.

Mr. Weakley offered the following amendment to Section 9 of the Article XI, reported by the Committee on Taxation:

Amend Section 9 by striking out the word "five" in the first line, and insert instead the word "three."

Mr. Sanders offered the following substitute for the amendment offered by Mr. Weakley:

Amend Section 9 so as to read: No county shall become indebted in an amount greater than 3 per centum of the taxable value of the property thereof; provided this limitation shall not affect any existing indebtedness exceeding such 3 per centum, which has already been created, or which has been authorized by law to be created.

Mr. O'Neal, of Lauderdale, moved to table the amendment and substitute.

The motion prevailed, and the amendment and the substitute for the amendment were laid upon the table.

Mr. Kirk offered the following amendment to Section 9 of the Article XI, reported by the Committee on Taxation:

Amend Section 9 by adding the following: Except when it may be necessary for the erection of bridges and county buildings, which may be paid for by the levy of a special tax.

## ORDINANCES ON FIRST READING.

The following ordinances were introduced, severally read one time at length, and referred to appropriate committees as follows:

Mr. Heflin, of Chambers, asked unanimous consent to introduce an ordinance.

Consent was granted, and Mr. Heflin, of Chambers, offered the following ordinance:

Ordinance 408, by Mr. Heflin, of Chambers:

Creating the office of Sheriff in each of the counties of the State of Alabama; providing means of election thereto, and a method of removal therefrom:

## ADJOURNMENT.

Pending the reference of the above ordinance, the hour of 6 o'clock p. m. arrived, and under the rules, the Convention adjourned until 9 o'clock to-morrow morning.

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## THIRTY-SIXTH DAY.

## CONVENTION HALL.

Montgomery, Ala., Wednesday, July 3, 1901.

The Convention met pursuant to adjournment.

Prayer was offered by Rev. Mr. Patterson of the city.

## ROLL CALL.

On a call of the roll of the Convention, the following delegates answered to their names, which constituted a quorum:

**Messrs. President,**  
**Ashcraft,**  
**Banks,**  
**Barefield,**  
**Bartlett,**  
**Beavers,**  
**Beddow,**  
**Bethune,**  
**Blackwell,**  
**Brooks,**  
**Browne,**  
**Bulger,**  
**Burnett,**  
**Burns,**  
**Byars,**  
**Cardon,**  
**Carmichael (Colbert),**  
**Carmichael (Coffee),**  
**Carnathon,**  
**Chapman,**  
**Cobb,**  
**Cofer,**  
**Coleman (Greene),**  
**Cornwell,**  
**Craig,**  
**Cunningham,**  
**Davis (DeKalb),**  
**Davis (Etowah),**  
**Dent,**  
**deGraffenried,**  
**Duke,**  
**Eley,**  
**Eyster,**  
**Espy,**  
**Ferguson,**  
**Fletcher,**  
**Foshee,**  
**Foster,**  
**Gilmore,**  
**Glover,**  
**Grant,**

**Greer (Calhoun),**  
**Greer (Perry),**  
**Haley,**  
**Harrison,**  
**Heflin (Chambers),**  
**Heflin (Randolph),**  
**Henderson,**  
**Hinson,**  
**Hodges,**  
**Hood,**  
**Howze,**  
**Inge,**  
**Jackson.**  
**Jones (Bibb),**  
**Jones (Hale),**  
**Jones (Montgomery),**  
**Jones (Wilcox),**  
**Kirk,**  
**Kirkland,**  
**Knight,**  
**Kyle,**  
**Ledbetter,**  
**Leigh,**  
**Locklin,**  
**Lomax,**  
**Long (Butler),**  
**Long (Walker),**  
**Lowe (Jefferson),**  
**Lowe (Lawrence),**  
**Macdonald,**  
**McMillan (Wilcox),**  
**Malone,**  
**Martin,**  
**Maxwell,**  
**Merrill,**  
**Miller (Marengo),**  
**Miller (Wilcox),**  
**Moody,**  
**Mulkey,**  
**Murphree,**  
**NeSmith,**

Norman,	Selheimer,
Norwood,	Sentell,
Oates,	Sloan,
O'Neal (Lauderdale),	Smith (Mobile),
O'Neill (Jefferson),	Smith, Mac. A.
Opp,	Smith, Morgan M.,
O'Rear,	Sorrell,
Palmer,	Spears,
Parker (Cullman),	Spragins,
Parker (Elmore),	Stewart,
Pettus,	Studdard,
Phillips,	Tayloe,
Pillans,	Waddell,
Pitts,	Walker,
Porter,	Watts,
Proctor,	Weakley,
Reese,	Weatherly,
Reynolds (Chilton),	White,
Reynolds (Henry),	Whiteside,
Robinson,	Willetts,
Rogers (Lowndes),	Williams (Barbour),
Rogers (Sumter),	Williams (Marengo),
Sanders,	Wilson (Clarke),
Sanford,	Winn—131.
Searcy,	

#### LEAVE OF ABSENCE.

Was granted to Messrs. Greer, of Calhoun, for to-day on account of sickness; Sollie for this morning; Sentell for this afternoon and Thursday; Pitts for to-day; Davis, of DeKalb, for Thursday, Friday and Saturday; Samford for to-day and to-morrow; Gilmore for Friday and Saturday; Grant for Friday and Saturday; Craig for Friday and Saturday.

#### REPORT OF COMMITTEE ON JOURNAL.

The chairman of the Committee on the Journal submitted the following report:

The Committee on the Journal beg leave to report

that they have examined the Journal for the thirty-fifth day of the Convention, and that the same is correct.

Respectfully submitted,

JOHN F. PROCTOR, *Chairman.*

#### QUESTION OF PRIVILEGE.

The report of the committee was concurred in.

#### RESOLUTIONS.

The following resolutions were offered, severally read one time at length, and referred to appropriate committees as follows:

Resolution 19, by Mr. Beddow, of Jefferson:

Whereas, Various resolutions have been adopted throughout the State requesting that this Convention patronize union labor by having its printing done by members of the Typographical Union, and that the union label be printed thereon; and

Whereas, The union of labor should be encouraged by the people of Alabama, in Convention assembled;

Therefore, be it resolved, That the Committee on Schedule, Printing and Incidental Expenses be and they are hereby instructed to patronize the printing establishments having in their employment union labor, and have the union label printed thereon.

The resolution was referred to the Committee on Schedules, Printing and Incidental Expenses.

Resolution 220, by Mr. Long, of Walker:

Whereas, This Convention passed a resolution to-day allowing no absent member any per diem, unless excused on account of sickness; and

Whereas, The members of this Convention have great respect for truth and veracity, and good wishes for the public health, and

Whereas, the adoption of the said resolution will have a tendency to make all absent members feel badly, and the effect of making all future leaves of absence be



requested on account of sickness of members or their families;

Therefore, for the public good, in the interest of truth, and as a preventative of an epidemic of sickness among members of this Convention and their families, one or both, be it resolved, by the people of Alabama, in Convention assembled, that the said resolution No. 184, which offers a premium of four dollars per day for sickness, be and the same is hereby repealed.

The resolution was referred to the Committee on Rules.

#### RECONSIDERATION.

Mr. Reese moved to reconsider the vote by which the ordinance "To create and define the Executive Department" was ordered to a third reading.

Mr. Beddow moved to table the resolution of Mr. Reese.

The motion prevailed, and the motion to reconsider the vote was laid upon the table.

The ordinance "To create and define the Executive Department" was thereupon referred to the Committee on Order, Consistency and Harmony of the Whole Constitution.

#### Resolution 218.

Mr. Sentell offered the following resolution, and moved that the rules be suspended and the resolution be adopted:

Resolution 218, by Mr. Sentell:

Whereas, To-morrow, July 4, is a national holiday; and

Whereas, many of the members of this Convention desire to observe the same with their families and friends at home;

Therefore, be it resolved, That when this Convention adjourns at 6 o'clock this afternoon it stand adjourned until 9:30 o'clock next Friday morning.

The rules were suspended.

Mr. Cunningham offered the following amendment to the resolution 218:

Provided, That no per diem be allowed to members or officers of this Convention.

The amendment was adopted: Yeas, 105; nays, 21.

## YEAS.

Messrs. President,	Haley,
Ashcraft,	Harrison,
Banks,	Heflin (Chambers),
Barefield,	Heflin (Randolph),
Beddow,	Henderson,
Bethune,	Hinson,
Blackwell,	Hodges,
Browne,	Hood,
Burnett,	Inge,
Burns,	Jackson,
Carmichael (Colbert),	Jenkins,
Carmichael (Coffee),	Jones (Bibb),
Chapman,	Jones (Hale),
Cobb,	Jones (Montgomery),
Cofer,	Jones (Wilcox),
Coleman (Greene),	Kirk,
Cornwell,	Kirkland,
Craig,	Knight,
Cunningham,	Kyle,
Davis (Etowah),	Leigh,
Dent,	Lowe (Jefferson),
Duke,	Lowe (Lawrence),
Eley,	Macdonald,
Eyster,	McMillan (Wilcox),
Espy,	Malone,
Ferguson,	Martin,
Fletcher,	Maxwell,
Foster,	Merrill,
Gilmore,	Miller (Marengo),
Glover,	Miller (Wilcox)
Grant,	Mulkey,
Greer (Calhoun),	Murphree,
Greer (Perry),	NeSmith,

Norman,	Sentell,
Norwood,	Sloan,
Oates,	Smith (Mobile),
O'Neal (Lauderdale),	Smith, Mac. A.,
Opp,	Smith, Morgan M.,
O'Rear,	Sorrell,
Palmer,	Spears,
Parker (Cullman),	Spragins,
Parker (Elmore),	Studdard,
Pettus,	Tayloe,
Pillans,	Waddell,
Pitts,	Walker,
Ree,	Watts,
Reynolds (Chilton),	Weakley,
Robinson,	Weatherly,
Rogers (Lowndes),	White,
Sanders,	Whiteside,
Sanford,	Williams (Barbour),
Searcy,	Wilson (Clarke)—105.
Selheimer,	

## NAYS.

Messrs. Bartlett,	Locklin,
Beavers,	Lomax,
Brooks,	Long (Butler),
Bulger,	Moody,
Byars,	Phillips,
Cardon,	Porter,
Carnathon,	Rogers (Sumter),
Davis (DeKalb),	Stewart,
Foshee,	Williams (Marengo),
Graham (Montgomery),	Winn—21.
Howze,	

The question recurred upon the adoption of the resolution as amended.

The resolution, 218, was lost: Yeas, 41; nays, 85.

## YEAS.

Messrs. Cofer,  
Craig,  
Davis (DeKalb),  
Eyster,  
Ferguson,  
Gilmore,  
Harrison,  
Heflin (Chambers),  
Heflin (Randolph),  
Henderson,  
Hodges,  
Howze,  
Jackson,  
Jenkins,  
Jones (Montgomery),  
Jones (Wilcox),  
Kirk,  
Ledbetter,  
Maxwell,  
Miller (Marengo),  
Mulkey,

Norman,  
Norwood,  
Oates,  
O'Neal (Lauderdale),  
Opp,  
Parker (Cullman),  
Pettus,  
Pitts,  
Reynolds (Chilton),  
Rogers (Lowndes),  
Sentell,  
Sloan,  
Smith, Mac. A.  
Spears,  
Tayloe,  
Waddell,  
Watts,  
Weakley,  
White,  
Whiteside—41.

## NAYS.

Messrs. President,  
Banks,  
Barefield,  
Bartlett,  
Beavers,  
Beddow,  
Bethune,  
Blackwell,  
Brooks,  
Browne,  
Bulger,  
Burnett,  
Burns,  
Byars,

Cardon,  
Carmichael (Colbert),  
Carmichael (Coffee),  
Carnathon,  
Chapman,  
Cobb,  
Coleman (Greene),  
Cornwell,  
Cunningham,  
Davis (Etowah),  
Dent,  
Duke,  
Eley,  
Espy,

Fletcher,  
Foshee,  
Foster,  
Glover,  
Grant,  
Greer (Calhoun),  
Greer (Perry),  
Haley,  
Hinson,  
Hood,  
Howze,  
Kirkland,  
Knight,  
Kyle,  
Leigh,  
Locklin,  
Lomax,  
Long (Butler),  
Long (Walker),  
Lowe (Jefferson),  
Lowe (Lawrence),  
Macdonald,  
McMillan (Wilcox),  
Malone,  
Martin,  
Merrill,  
Miller (Wilcox),

Moody,  
Murphree,  
NeSmith,  
O'Rear,  
Palmer,  
Parker (Elmore),  
Pillans,  
Porter,  
Proctor,  
Reese,  
Reynolds (Henry),  
Robinson,  
Rogers (Sumter),  
Sanders,  
Sanford,  
Searcy,  
Selheimer,  
Smith (Mobile),  
Smith, Morgan M.  
Stewart,  
Studdard,  
Walker,  
Weatherly,  
Williams (Barbour),  
Williams (Marengo),  
Wilson (Clarke),  
Winn—85.

#### REPORT OF COMMITTEE ON RULES.

Mr. Smith, of Mobile, acting chairman of the Committee on Rules, submitted the following report:

The Committee on Rules reports as a substitute for resolution 205, introduced by Mr. Reese, of Dallas, the following resolution:

Resolved, That subdivision 6 of Rule 22 be amended so as to read as follows: 6. Call of the roll in alphabetical order for the introduction of resolutions, memorials, petitions and ordinances and their proper reference; but if the roll call is not completed by 10:30

o'clock of any day, the Convention shall at that hour proceed with the next regular order of business.

On motion of Mr. Smith, of Mobile, the report of the committee was concurred in, and the resolution, as reported by the Committee on Rules, was adopted.

The Committee on Rules reports as a substitute for resolution 208, introduced by Mr. Cornwell, of Jefferson, the following:

Resolved, That rule 55 be amended so as to read as follows: That the rules of the Convention shall not be suspended, except by a two-thirds vote of every delegate present; provided, a quorum must vote; provided, further, that the rule limiting debate upon ordinances reported by committees shall not be suspended, except by unanimous consent.

Mr. Jones, of Montgomery, moved to table the resolution, 208, as reported by the Committee on Rules.

The motion prevailed, and the resolution 208, as reported by the Committee on Rules, was laid upon the table.

The Committee on Rules reported favorably the following resolution:

Resolution 184, by Mr. Cunningham:

Resolved, That from and after the passage of this resolution no per diem will be allowed to delegates to this Convention who are absent except those granted leaves of absence on account of sickness of themselves or immediate families.

The resolution was adopted: Yeas, 72; nays, 54.

#### YEAS.

Messrs. Ashcraft,  
Banks,  
Barefield,  
Bartlett,  
Beddow,  
Blackwell,  
Brooks,  
Browne,

Bulger,  
Burns,  
Carnathon,  
Chapman,  
Cobb,  
Cofer,  
Coleman (Greene),  
Cunningham,

Dent,  
 Eley,  
 Espy,  
 Ferguson,  
 Fletcher,  
 Foster,  
 Glover,  
 Greer (Perry),  
 Haley,  
 Heflin (Chambers),  
 Heflin (Randolph),  
 Henderson,  
 Howze,  
 Inge,  
 Jones (Hale),  
 Jones (Montgomery),  
 Jones (Wilcox),  
 Knight,  
 Kyle,  
 Leigh,  
 Lowe (Lawrence),  
 Macdonald,  
 Malone,  
 Martin,  
 Maxwell,  
 Miller (Wilcox),  
 Murphree,  
 NeSmith,

Norman,  
 Norwood,  
 Oates,  
 O'Neal (Lauderdale),  
 Opp,  
 Palmer,  
 Parker (Elmore),  
 Pettus,  
 Phillips,  
 Pillans,  
 Porter,  
 Rogers (Lowndes),  
 Rogers (Sumter),  
 Sanders,  
 Sanford,  
 Searcy,  
 Smith (Mobile),  
 Smith, Mac. A.,  
 Spears,  
 Spragins,  
 Stewart,  
 Waddell,  
 Walker,  
 Weakley,  
 Weatherly,  
 White,  
 Whiteside,  
 Williams (Marengo)—72.

## NAYS.

MESSRS. BEAVERS,  
 Bethune,  
 Burnett,  
 Byars,  
 Cardon,  
 Carmichael (Colbert),  
 Carmichael (Coffee),  
 Cornwell,  
 Craig,  
 Davis (DeKalb),

Davis (Etowah),  
 Duke,  
 Eyster,  
 Foshee,  
 Gilmore,  
 Graham (Montgomery),  
 Grant,  
 Grayson,  
 Greer (Calhoun),  
 Hodges,

Hood,  
Jackson,  
Jones (Bibb),  
Kirk,  
Kirkland,  
Ledbetter,  
Locklin,  
Lomax,  
Long (Butler),  
Long (Walker),  
Lowe (Jefferson),  
McMillan (Wilcox),  
Merrill,  
Miller (Marengo),  
Moody,  
Mulkey,  
O'Rear,

Parker (Cullman),  
Pitts,  
Proctor,  
Reese,  
Reynolds (Chilton),  
Reynolds (Henry),  
Robinson,  
Selheimer,  
Sentell,  
Sloan,  
Smith, Morgan M.  
Sorrell,  
Studdard,  
Watts,  
Williams (Barbour),  
Wilson (Clarke),  
Winn—54.

The Committee on Rules reported favorably the following resolution:

Resolution 169, by Mr. Williams, of Marengo:

Whereas, The Convention has incurred considerable expense in obtaining a stenographic report of the proceedings of the Convention; and

Whereas, The wisdom of the reports appears more apparent every day, and

Whereas, As a ready reference the reports are a failure as they now are, and

Whereas, An index would add greatly to the value of the report;

Now, therefore, be it resolved by the Convention, That as soon as the Convention shall have adjourned *sine die*, that the Secretary of State be and he is hereby authorized to contract with some reliable party who shall make a complete index of said report, and shall place the same in each of the volumes of the reports heretofore ordered kept for the use of the State, and shall further cause to be printed in some paper in Alabama the said index, so that those people of Alabama



who are preserving the reports may easily obtain a copy of said index for their use and preservation.

The resolution was adopted.

The Committee on Rules reported without recommendation the following resolution:

Resolution 192, by Mr. Rogers, of Lowndes:

To amend rule 36, so as to read: The ayes and noes shall only be ordered when the call therefor is sustained by fifty delegates.

Mr. Reese moved that the resolution 192 be laid upon the table.

The motion prevailed, and the resolution 192 was laid upon the table.

#### UNFINISHED BUSINESS.

The Convention proceeded to the consideration of the unfinished business, which was the consideration of the reference of ordinance 408.

Mr. Heflin of Chambers moved to refer the ordinance to the Committee on Impeachments.

Mr. Jones, of Montgomery, moved to amend the motion of Mr. Heflin, of Chambers, by referring the resolution to the Committee on Executive Department.

The amendment was adopted.

The motion of Mr. Heflin, of Chambers, as amended, was adopted.

The ordinance 408 was referred to the Committee on Executive Department.

#### REPORT OF COMMITTEE ON SCHEDULES, PRINTING AND

#### INCIDENTAL EXPENSES.

Mr. Heflin, of Randolph, moved that the report of the Committee on Schedules, Printing and Incidental Expenses be taken up for consideration.

The motion prevailed, and the report of the Committee was read at length as follows:

**report of the Committee on Schedules, Printing and Incidental Expenses.**

*Mr. President:*

The Committee on Schedules, Printing and Incidental Expenses have instructed me to make the following partial report, viz.:

The Committee have audited the accounts hereto attached and find that the State of Alabama is indebted to the Brown Printing Company of Montgomery, Ala., in the sum of \$255.25. We find that said State is indebted to Marshall & Bruce of Nashville, Tenn., the sum of \$12. We also find that said State is indebted to Ed. C. Fowler Co., of Montgomery, Ala., in the sum of \$24.75.

All of the above amounts are for articles furnished the State of Alabama for the use of the Constitutional Convention, and all of the above amounts are itemized as shown by bills hereto attached. Total amount, \$302.

And we recommend the payment of the same, all of which is respectfully submitted.

JOHN T. HEFLIN,  
Chairman of Committee on Schedule, Printing and Incidental Expenses.

Mr. Heflin, of Randolph, moved that the report of the committee be adopted, and that the President be authorized to draw a warrant on the State Treasurer for the payment of the accounts set out in the above foregoing report.

The motion prevailed.

**UNFINISHED BUSINESS.**

The Convention proceeded to the consideration of the unfinished business, which was the report of the Committee on Taxation.

The question was upon the amendment offered by Mr. Kirk to Section 9 of the Article XI, reported by the Committee on Taxation.

Mr. White offered the following substitute for the amendment offered by Mr. Kirk:

Amend Section 9 so as to read as follows: After the

ratification of this Constitution no county shall become indebted in an amount greater than 5 per centum of the taxable value of the property thereof, and in estimating the amount of said indebtedness, its then existing debts shall be included.

Mr. Sanders offered the following amendment for Section 9, and the pending amendment and the substitute for the amendment:

No county shall become indebted in an amount greater than 5 per centum of the taxable value of the property thereof; provided, this limitation shall not apply to any existing indebtedness in excess of such 5 per centum, which has already been created, or authorized by now existing law to be created.

The substitute was lost.

Mr. Harrison offered the following substitute for Section 9 and the pending amendments:

Substitute for Section 9 and amendments:

No county shall become indebted in an amount greater than  $3\frac{1}{2}$  per centum of the taxable value of the property thereof; provided, this limitation shall not apply to any existing indebtedness in excess of such  $3\frac{1}{2}$  per centum, which has already been created or authorized by now existing law, to be created.

Mr. O'Neal, of Lauderdale, moved to table the substitute offered by Mr. Harrison.

The motion to table was lost: Yeas, 58; nays 70.

#### YEAS.

Messrs. Barefield,  
Beddow,  
Bethune,  
Blackwell,  
Brooks,  
Burnett,  
Cardon,  
Carmichael (Colbert),  
Carmichael (Coffee),  
Carnathon,  
Cobb,

Coleman (Greene),  
Cornwell,  
Cunningham,  
deGraffenried,  
Eyster,  
Ferguson,  
Foshee,  
Foster,  
Glover,  
Graham (Montgomery),  
Grant,

Grayson,  
Greer (Calhoun),  
Haley,  
Heflin (Randolph),  
Henderson,  
Hodges,  
Howze,  
Inge,  
Jones (Bibb),  
Kirk,  
Kirkland,  
Knight,  
Ledbetter,  
Leigh,  
Lomax,  
Long (Walker),  
Lowe (Jefferson),  
Lowe (Lawrence),

Macdonald,  
Martin,  
Moody,  
NeSmith,  
Norman,  
O'Neal (Lauderdale),  
O'Neill (Jefferson),  
Opp,  
Parker (Cullman),  
Rogers (Lowndes),  
Selheimer,  
Sentell,  
Sloan,  
Waddell,  
Walker,  
Watts,  
White,  
Willett—58.

NAYS.

Messrs. President,  
Ashcraft,  
Banks,  
Bartlett,  
Browne,  
Bulger,  
Burns,  
Byars,  
Chapman,  
Cofer,  
Craig,  
Davis (DeKalb),  
Davis (Etowah),  
Dent,  
Duke,  
Eley,  
Espy,  
Fletcher,  
Gilmore,  
Greer (Perry),

Harrison,  
Heflin (Chambers),  
Hinson,  
Hood,  
Jackson,  
Jenkins,  
Jones (Hale),  
Jones (Wilcox),  
Kyle,  
Locklin,  
Miller (Wilcox),  
Malone,  
Maxwell,  
Merrill,  
Miller (Marengo),  
Miller (Wilcox),  
Mulkey,  
Murphree,  
Norwood,  
Oates,

O'Rear,  
Palmer,  
Parker (Elmore),  
Pettus,  
Phillips,  
Pillans,  
Porter,  
Proctor,  
Reynolds (Chilton),  
Reynolds (Henry),  
Robinson,  
Rogers (Sumter),  
Sanders,  
Sanford,  
Searcy,

Smith (Mobile),  
Smith, Morgan M.,  
Sorrell,  
Spears,  
Spragins,  
Stewart,  
Studdard,  
Tayloe,  
Weakley,  
Weatherly,  
Whiteside,  
Williams (Barbour),  
Williams (Marengo),  
Wilson (Clarke),  
Winn—70.

#### PAIRS ANNOUNCED.

The following pairs were announced :

Messrs. Reese and Fitts. Mr. Reese would vote aye, and Mr. Fitts would vote nay.

Mr. Harrison moved that the substitute for Section 9 and the pending amendments be adopted.

The motion prevailed, and the substitute for Section 9 and pending amendments was adopted.

Mr. Foster offered the following amendment to Section 9:

Amend Section 9 by inserting between the words "amount" and "greater," in the first line, the following: "Not including debts which mature within twelve months after the creation of the same."

The amendment was lost.

Mr. Lomax offered the following substitute for Section 9:

No county in this State having an assessed valuation exceeding twenty million dollars of taxable property, shall become indebted in an amount exceeding five (5) per cent. of its assessed valuation, and counties having an assessed valuation of less than twenty millions shall not incur a debt exceeding four (4) per cent. of its

assessed valuation; provided that this limitation shall not apply to debts created for the construction of court houses and jails.

Nothing herein contained shall prevent the issue of renewal bonds or bonds to fund the floating indebtedness of such county now existing.

Mr. Harrison moved to table the substitute offered by Mr. Lomax.

The motion prevailed, and the substitute was laid upon the table: Yeas, 82; nays, 45.

YEAS.

Messrs. President,	Greer (Perry),
Ashcraft,	Harrison,
Banks,	Heflin (Chambers),
Bartlett,	Hinson,
Beavers,	Hood,
Browne,	Inge,
Brooks,	Jackson,
Bulger,	Jones (Hale),
Byars,	Jones (Wilcox),
Carnathon,	Kirkland,
Chapman,	Kyle,
Cobb,	Leigh,
Cofer,	Locklin,
Coleman (Greene),	McMillan (Wilcox),
Craig,	Malone,
Cunningham,	Martin,
Davis (DeKalb),	Maxwell,
Davis (Etowah),	Merrill,
Dent,	Miller (Marengo),
Duke,	Miller (Wilcox),
Eley,	Mulkey,
Espy,	Murphree,
Fletcher,	Oates,
Foshee,	O'Rear,
Foster,	Palmer,
Gilmore,	Parker (Elmore),
Greer (Calhoun),	Pettus,

Phillips,  
Pillans,  
Porter,  
Proctor,  
Reynolds (Chilton),  
Reynolds (Henry),  
Robinson,  
Rogers (Sumter),  
Sanders,  
Sanford,  
Searcy,  
Sloan,  
Smith (Mobile),  
Smith, Morgan M.,

Sorrell,  
Spears,  
Spragins,  
Stewart,  
Studdard,  
Tayloe,  
Waddell,  
Walker,  
Weatherly,  
Whiteside,  
Williams (Barbour),  
Williams (Marengo),  
Wilson (Clarke).  
Winn—82.

## NAYS.

Messrs. Barefield,  
Beddow,  
Bethune,  
Blackwell,  
Burnett,  
Burns,  
Cardon,  
Carmichael (Colbert),  
Carmichael (Coffee),  
Cornwell,  
deGraffenried,  
Eyster,  
Ferguson,  
Glover,  
Graham (Montgomery),  
Grant,  
Grayson,  
Haley,  
Heflin (Randolph),  
Henderson,  
Hodges,  
Howze,  
Jenkins,

Jones (Bibb),  
Kirk,  
Knight,  
Ledbetter,  
Lomax,  
Lowe (Jefferson),  
Lowe (Lawrence),  
Macdonald,  
Moody,  
NeSmith,  
Norman,  
Norwood,  
O'Neal (Lauderdale),  
O'Neill (Jefferson),  
Opp,  
Parker (Cullman),  
Rogers (Lowndes),  
Selheimer,  
Sentell,  
Watts,  
Weakley,  
White—45.

## PAIRS ANNOUNCED.

The following pairs were announced :

Messrs. Fitts and Reese. Mr. Fitts would vote aye, and Mr. Reese would vote nay.

Mr. Carmichael, of Colbert, offered the following amendment to Section 9 :

Provided that any county which is already indebted in any amount which equals or exceeds the debt limit herein provided may, for the erection of necessary public buildings and bridges, borrow in addition to said  $3\frac{1}{2}$  per centum a sum not greater than  $1\frac{1}{2}$  per centum of the assessed value of the taxable property of said county.

The amendment was adopted.

Mr. Browne moved the adoption of Section 9 as amended.

The motion prevailed and Section 9, as amended, was adopted.

## SECTION TEN.

Sec. 10. No city, town or other municipal corporation shall become indebted in an amount exceeding 5 per centum of the taxable value of the property thereof; provided, that for the erection or purchase of water-works, gas or electric plants, or sanitary sewerage an additional indebtedness not to exceed 3 per centum may be created; provided, further, that this section shall not apply to indebtedness in excess of such 5 per centum already created or authorized by law to be created.

Was read at length.

Mr. Browne offered the following amendment to Section 10 of the Article XI, reported by the Committee on Taxation :

Amend Section 10 by inserting the words "the excess of" after the words "not apply to" in line five, and strike out "in excess of" in line five and insert in lieu thereof the word "over" and insert after the words "authorized by," in line six, the words "now existing."



## RECESS.

Pending the further consideration of the report of the Committee on Taxation, the hour of 1 o'clock arrived, and under the rules, the Convention recessed until 3:30 o'clock this afternoon.

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## AFTERNOON SESSION.

The Convention met pursuant to adjournment.

## ROLL CALL.

On a call of the roll of the Convention the following delegates answered to their names, which constituted a quorum :

Messrs. President,	Cofer,
Almon,	Coleman (Greene),
Ashcraft,	Cornwell,
Banks,	Craig.
Barefield,	Cunningham,
Bartlett,	Davis (DeKalb),
Beavers,	Davis (Etowah),
Beddow,	Dent,
Bethune,	deGraffenried,
Blackwell,	Duke,
Brooks,	Eley,
Browne,	Eyster,
Bulger,	Espy,
Burnett,	Ferguson,
Burns,	Fletcher,
Byars,	Foshee,
Cardon,	Foster,
Carmichael (Colbert),	Glover,
Carmichael (Coffee),	Graham (Montgomery),
Carnathon,	Graham (Talladega),
Chapman,	Grant,
Cobb,	Grayson,

Greer (Calhoun),  
Greer (Perry),  
Haley,  
Harrison,  
Heflin (Chambers),  
Heflin (Randolph),  
Henderson,  
Hinson,  
Hodges,  
Hood,  
Howze,  
Inge,  
Jenkins,  
Jones (Bibb),  
Jones (Hale),  
Jones (Montgomery),  
Jones (Wilcox),  
Kirk,  
Kirkland,  
Knight,  
Kyle,  
Ledbetter,  
Leigh,  
Locklin,  
Lomax,  
Long (Butler),  
Long (Walker),  
Lowe (Jefferson),  
Macdonald,  
McMillan (Wilcox),  
Malone,  
Martin,  
Maxwell,  
Merrill,  
Miller (Marengo),  
Miller (Wilcox),  
Moody,  
Mulkey,  
Murphree,  
NeSmith,  
Norman,  
Norwood,  
Oates,

O'Neal (Lauderdale),  
O'Neill (Jefferson),  
Opp,  
O'Rear,  
Palmer,  
Parker (Cullman),  
Parker (Elmore),  
Pettus,  
Phillips,  
Pillans,  
Pitts,  
Porter,  
Proctor,  
Reese,  
Reynolds (Chilton),  
Reynolds (Henry),  
Robinson,  
Rogers (Lowndes),  
Rogers (Sumter),  
Sanders,  
Sanford,  
Searcy,  
Selheimer,  
Smith (Mobile),  
Smith, Mac. A.,  
Smith, Morgan M.,  
Sorrell,  
Spears,  
Spragins,  
Stewart,  
Tayloe,  
Waddell,  
Walker,  
Watts,  
Weakley,  
Weatherly,  
White,  
Whiteside,  
Willetts,  
Williams (Barbour),  
Williams (Marengo),  
Wilson (Clarke).  
Winn—131.

## UNFINISHED BUSINESS.

The Convention proceeded to the consideration of the unfinished business, which was the consideration of the report of the Committee on Taxation.

The question was upon the amendment offered by Mr. Browne to Section 10 of the Article XI, reported by the Committee on Taxation.

Mr. Browne asked unanimous consent to withdraw the amendment to Section 10.

Consent was granted, and the amendment was withdrawn.

Mr. Browne offered the following amendment to Section 10, which was adopted:

Amend Section 10 by striking out all of said section after the word "created" in the fourth line, and inserting in lieu thereof the following: Provided further, that the limitation of 5 per centum mentioned in this section shall not apply to any existing indebtedness exceeding 5 per centum which has already been created or which has been authorized by now existing law to be created.

Mr. Weakley offered the following substitute for Section 10:

Sec. 10. That no city, town or village shall hereafter become indebted for any purpose or in any manner to an amount which, including existing indebtedness, shall exceed 7 per centum of the assessed valuation of the real and personal property within said city, town or village, subject to taxation as shown by the last preceding assessment for State and county purposes; provided, however, that in determining the limitation of the power of such city, town or village to incur indebtedness there shall not be included the following class of indebtedness, to-wit:

(a) Notes, certificates of indebtedness or revenue bonds issued in anticipation of the collection of taxes, unless the same be not paid within two years from the date of such issue and all such notes, certificates of indebtedness and revenue bonds shall be provided for, and made payable from the taxes levied for the year in

which they are issued, and shall never exceed the amount of such taxes.

(b) Bonds issued for the purpose of purchasing or otherwise providing for a supply of water or for the construction or installation of sanitary sewers, or for the extension of either of the same.

(c) Obligations incurred and bonds issued to procure means to pay for street or sidewalk improvements or storm water sewers, the cost of which is to be assessed against the property abutting or drained by such sewers.

(d) Debts created for the preservation of the public health.

(e) Debts existing on the 6th day of December, 1875, or any obligation issued to renew or refund the same.

No city, town or village whose present indebtedness exceeds the limitations herein imposed shall be allowed to become indebted in any further amount until such indebtedness shall be reduced within such limit; provided, however, that nothing herein contained shall prevent any municipality from issuing bonds in renewal or for the refunding of obligations already existing.

Mr. Pillans offered the following amendment to the substitute offered by Mr. Weakley:

Amend the substitute by striking out the paragraphs marked (a) and (d).

Mr. O'Neal, of Lauderdale, offered the following resolution, and the same being a resolution providing for adjournment, was a privileged resolution, and was placed upon its adoption:

Resolution 221, by Mr. O'Neal, of Lauderdale:

Whereas, the Fourth of July is sacred to all who appreciate the republican institutions, and is in all portions of the Republic, and wherever the flag waves, a day of rejoicing and thanksgiving, and

Whereas, The people of Alabama in Convention assembled, recognize the glorious memories which this day awakens, and appreciating that brotherly feeling which now exists between the States, and to which we owe our beautiful Federal system;

Therefore, be it resolved, That in honor of Independence day, the Convention adjourn at its usual hour till

Friday morning.

The resolution was adopted.

#### ADJOURNMENT.

Pending the further consideration of the report of the Committee on Taxation, the hour of 6 o'clock p. m. arrived, and, under the resolution previously adopted, the Convention adjourned until Friday morning at 9 :30 o'clock.

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### THIRTY-SEVENTH DAY.

#### CONVENTION HALL.

Montgomery, Ala., Friday, July 5, 1901.

The Convention met pursuant to adjournment.

Prayer was offered by Rev. Dr. Patterson of the city.

#### ROLL CALL.

On a call of the roll of the Convention the following delegates answered to their names, which constituted a quorum :

Messrs. President,	Burns,
Ashcraft,	Byars,
Banks,	Cardon,
Barefield,	Carmichael (Colbert),
Bartlett,	Carmichael (Coffee),
Beavers,	Carnathon,
Beddow,	Chapman,
Bethune,	Cobb,
Blackwell,	Cofer,
Boone,	Coleman (Greene),
Brooks,	Cornwell,
Browne,	Cunningham,
Bulger,	Davis (Etowah),
Burnett,	Dent,

deGraffenried,  
 Duke,  
 Eley,  
 Eyster,  
 Espy,  
 Ferguson,  
 Fitts,  
 Fletcher,  
 Foshee,  
 Foster,  
 Freeman,  
 Glover,  
 Graham (Montgomery),  
 Graham (Talladega),  
 Grayson,  
 Haley,  
 Harrison,  
 Heflin (Chambers),  
 Heflin (Randolph),  
 Hodges,  
 Hood,  
 Howell,  
 Howze,  
 Inge,  
 Jenkins,  
 Jones (Bibb),  
 Jones (Hale),  
 Jones (Montgomery),  
 Jones (Wilcox),  
 Kirk,  
 Kirkland,  
 Knight,  
 Kyle,  
 Leigh,  
 Locklin,  
 Lomax,  
 Long (Butler),  
 Long (Walker),

Lowe (Jefferson),  
 Lowe (Lawrence),  
 Macdonald,  
 McMillan (Wilcox),  
 Malone,  
 Martin,  
 Maxwell,  
 Merrill,  
 Miller (Wilcox),  
 Moody,  
 Mulkey,  
 Murphree,  
 NeSmith,  
 Norman,  
 Norwood,  
 Oates,  
 O'Neal (Lauderdale),  
 O'Neill (Jefferson),  
 Opp,  
 O'Rear,  
 Palmer,  
 Parker (Cullman),  
 Parker (Elmore),  
 Pettus,  
 Phillips,  
 Pillans,  
 Pitts,  
 Porter,  
 Proctor,  
 Reese,  
 Renfro,  
 Reynolds (Chilton),  
 Reynolds (Henry),  
 Rogers (Lowndes),  
 Rogers (Sumter),  
 Sanders,  
 Sanford,  
 Searcy,

Selheimer,  
Sloan,  
Smith (Mobile),  
Smith, Mac. A.  
Smith, Morgan M.,  
Sorrell,  
Spears,  
Spragins,  
Stewart,  
Studdard,  
Tayloe,

Thompson,  
Waddell,  
Walker,  
Watts,  
Weakley,  
Weatherly,  
White,  
Williams (Barbour),  
Williams (Marengo),  
Wilson (Washington),  
Winn—126.

#### LEAVE OF ABSENCE

Was granted to Messrs. Miller, of Marengo, for to-day and to-morrow on account of sickness; Morrisette for to-day and to-morrow, Monday and Tuesday; Boone for last Tuesday and Wednesday, July 2 and 3; Jackson for the morning session on account of sickness; Solie indefinitely, account of sickness; Graham, of Talladega, for last Wednesday; McMillan, of Baldwin, for last Friday, and indefinitely from that day on account of sickness; Samford for to-day and to-morrow; deGraffenried for to-morrow and Monday on account of sickness in his family; Howell for last Wednesday; Freeman for last Wednesday; Hinson for to-day and to-morrow on account of sickness; Kirkland for Saturday; Heflin, of Randolph, for to-morrow.

#### REPORT OF COMMITTEE ON JOURNAL.

The chairman of the Committee on the Journal submitted the following report:

The Committee on the Journal beg leave to report that they have examined the Journal for the thirty-sixth day of the Convention, and that the same is correct.

Respectfully submitted,

The report of the committee was concurred in.

JOHN F. PROCTOR, *Chairman.*

## RESOLUTIONS.

The following resolutions were offered, severally read one time, at length, and referred to appropriate committees as follows:

Resolution 222, by Mr. Reese, of Dallas:

Whereas, the chief and most important purpose for which this Convention was called was and is the revision of the provisions relating to Suffrage and Election, and

Whereas, more than forty-six days have passed since the assemblage of this Convention without any consideration by it of said provisions; therefore

Be it resolved, That immediately after the conclusion of the consideration of the report of the Committee on Taxation, the report of the Committee on Suffrage and Election be and the same is hereby made the special order of the Convention, and former orders and resolutions of the Convention to the contrary are hereby revoked.

The resolution was referred to the Committee on Rules.

Resolution 223, by Mr. Smith, Mac. A., of Autauga:

Resolved, by the people of Alabama in Convention assembled, That it is the sense of this Convention that the General Assembly should, as early as practicable, so amend the laws of said State as to more certainly punish the offense of vagrancy, which is becoming such a common and alarming evil in many sections of Alabama.

The resolution was referred to the Committee on Legislative Department.

Resolution 224, by Mr. Cobb:

Resolved, That the reports of the Committee on Suffrage and Elections be taken up at 11 o'clock on Tuesday next for consideration, to the exclusion of all other business.

The resolution was referred to the Committee on Rules.



## ORDINANCES ON FIRST READING.

The following ordinances were introduced severally read one time at length, and referred to appropriate committees, as follows:

Ordinance 409, by Mr. Carmichael, of Colbert:

To provide for the filing and arranging of the papers and documents pertaining to the Constitutional Convention, by the Secretary of the Convention; also to provide for the delivery by the Secretary of a correct copy of the Journal of the Convention to the public printer, with the proper index thereto; also to provide for the superintendence of the printing of said Journal by the Secretary; also to make appropriations for the compensation of said Secretary for his services.

The ordinance was referred to the Committee on Journal.

Ordinance 410, by Mr. Reese, of Dallas:

In all prosecutions for rape, adultery, fornication, sodomy or crime against nature, the court may, in its discretion, exclude from the court room all persons except such as may be necessary in the conduct of the trial.

The ordinance was referred to the Committee on Judiciary.

Ordinance 411, by Mr. Reese, of Dallas:

The General Assembly shall enact penal statutes to suppress the evil habit of using obscene and profane language in the hearing of children.

The ordinance was referred to the Committee on Legislative Department.

## PETITIONS.

Petitions relative to the election of the Railroad Commission by a vote of the people were offered by Messrs. Murphree and Spragins, and the same were read at length and referred to the Committee on Corporations.

## REPORTS OF STANDING COMMITTEES.

Mr. Jones, of Montgomery, submitted the following reports, which were read at length and ordered placed on the adverse calendar, and 300 copies of the report containing ordinance 408 was ordered printed.

*Mr. President:*

The Committee on Executive Department direct me to return resolution No. 200, with the recommendation that it do not pass.

In view of the extensive and protracted debate over the matter to which it relates, the committee deems it entirely unnecessary to make any argument in support of their adverse report.

THOS. G. JONES, *Chairman.*

REPORT OF THE COMMITTEE ON EXECUTIVE DEPARTMENT  
ON ORDINANCE NO. 408.

*Mr. President:*

The Committee on Executive Department to whom was referred Ordinance No. 408, direct me to return the same with the recommendation that it do not pass. It proposes to change the present Constitution and the article on the Executive Department adopted by this Convention, so as to make Sheriffs eligible as their own successors, and to change the provisions of the article adopted by the Convention as to the mode of impeachments of Sheriffs.

All these matters have been so frequently discussed before the Convention, and it has so frequently voted adversely to the principle sought to be enacted by the ordinance herewith returned, that the committee refrains from any argument in support of its adverse report.

THOS. G. JONES, *Chairman.*

## MINORITY REPORT OF THE COMMITTEE ON EXECUTIVE DEPARTMENT.

We, the undersigned members of the Committee on Executive Department, do not concur in the majority report on Ordinance No. 408, introduced by Mr. Heflin, of Chambers. We recommend the adoption of the ordinance as amended by us, which is as follows:

An ordinance to be entitled Section 28 of Article V:

Be it ordained by the people of Alabama in Convention assembled: A Sheriff shall be elected in each county by the qualified electors thereof, who shall hold his office for the term of four years, unless sooner removed, and he shall be ineligible to such office as his own successor. Vacancies in the office of Sheriff shall be filled by the Governor, as in other cases; and the person appointed shall continue in office until the next general election in the county for Sheriff, as provided by law.

The Sheriff may be impeached or removed from office in the manner and for the causes mentioned in Article VII of this Constitution.

Be it further ordained, That Section 28 of Article V, which was finally passed on July 2, 1901, be and is hereby repealed.

T. W. HODGES,  
M. S. CARMICHAEL,  
M. M. SMITH.

Mr. Jones, of Montgomery, chairman of the Committee on Executive Department, returned to the Convention a memorial from the Sheriffs', Clerks' and Registers' Association of Alabama, and requested that the same be referred to the Committee on Judiciary.

The memorial was referred to the Committee on Judiciary.

## UNFINISHED BUSINESS.

The Convention proceeded to the consideration of the unfinished business, which was the report of the Committee on Taxation.

The question was upon the substitute and pending amendment offered by Mr. Weakley to Section 10 of the Article XI, reported by the Committee on Taxation.

Mr. Weakley asked unanimous consent to withdraw the substitute.

Consent was granted, and the substitute was withdrawn.

Mr. Weakley offered the following substitute for Section 10:

Sec. 10. No city, town or other municipal corporation shall become indebted in an amount, including present indebtedness, exceeding 5 per centum of the assessed value of the property thereof, except for the construction or purchase of water works, gas, or electric light plants, and sewerage, or for the improvement of streets for which purpose an additional indebtedness, not exceeding 3 per cent. may be created, and excepting also temporary loans to be paid within one year, made in anticipation of the collection of taxes, not to exceed one-fourth of the general revenues of such cities and towns; provided, however, that this limitation shall not apply to towns and cities having a population of six thousand or more, or to the city of Gadsden and Ensley, which last described cities and towns shall not become indebted in an amount, including present indebtedness, except 7 per cent. of the assessed valuation of the property thereof, and provided further, that there shall not be included in the limitations of the indebtedness of such last described cities and towns the following classes of indebtedness, to-wit: Temporary loans, to be paid within one year, made in the anticipation of the collection of taxes, and to not exceed one-fourth of such taxes; bonds or other obligations already issued or which may hereafter be issued for the purpose of acquiring, providing or constructing school houses, water works and sewers, and obligations incurred and bonds issued for street or sidewalk improvement, where the cost of the same, in whole or in part, is to be assessed against the property abutting said improvement; provided, that the proceeds of all obligations issued as

herein provided in excess of said 7 per centum shall not be asked for any purpose other than for which said obligations were issued.

Nothing herein contained shall prevent the funding or refunding of existing indebtedness.

Mr. Walker offered the following amendment to the substitute offered by Mr. Weakley :

Sec. 10. No city, town or other municipal corporation shall become indebted in any amount exceeding 5 per centum of the taxable value of the property thereof; provided, that for the construction or purchase of water works, gas or electric light plants, sanitary sewerage, or streets or sidewalk improvements, an additional indebtedness not to exceed 3 per centum of such taxable value may be created, so as to be a charge upon the revenues from taxation of such city, town or other municipal corporation, and that any debts or liabilities in excess of such 3 per centum limitation incurred by such city, town or other municipal corporation in the construction or purchase of water works, gas or electric light plants, sanitary sewers or street or sidewalk improvements, may be made charges upon or against, respectively, such water works, gas or electric light plants and upon the liens in favor of or the liabilities to said city, town or other municipal corporation, acquired in or by reason of the erection or construction of such sanitary sewers, or street or sidewalk improvements; provided further, that the limitations contained in this section shall not apply to any indebtedness in excess of such limitations already created or authorized by now existing law to be created.

The amendment offered by Mr. Walker was lost : Yeas, 31; nays, 89.

YEAS.

Messrs. Beavers,  
Browne,  
Bulger,  
Byars,  
Carnathon,  
Chapman,

Cobb,  
Cofer,  
Coleman (Greene),  
Espy,  
Fitts,  
Fletcher,

Foshee,  
Freeman,  
Glover,  
Grayson,  
Kirk,  
Leigh,  
Lowe (Lawrence),  
Malone,  
Maxwell,  
Moody,

Oates,  
O'Rear,  
Palmer,  
Phillips,  
Rogers (Sumter),  
Sanford,  
Smith, Morgan M.,  
Spragins,  
Walker—31.

NAYS.

Messrs. President,  
Ashcraft,  
Banks,  
Beddow,  
Bethune,  
Blackwell,  
Boone,  
Brooks,  
Burnett,  
Burns,  
Cardon,  
Carmichael (Colbert),  
Carmichael (Coffee),  
Cornwell,  
Cunningham,  
Davis (Etowah),  
Dent,  
Duke,  
Eley,  
Eyster,  
Ferguson,  
Foster,  
Graham (Montgomery),  
Graham (Talladega),  
Haley,  
Harrison,  
Heflin (Chambers),  
Heflin (Randolph),

Henderson,  
Hodges,  
Hood,  
Howell,  
Howze,  
Inge,  
Jenkins,  
Jones (Bibb),  
Jones (Hale),  
Jones (Montgomery),  
Jones (Wilcox),  
Kirkland,  
Knight,  
Kyle,  
Locklin,  
Lomax,  
Long (Walker),  
Lowe (Jefferson),  
Macdonald,  
McMillan (Wilcox),  
Martin,  
Miller (Wilcox),  
Mulkey,  
Murphree,  
NeSmith,  
Norman,  
Norwood,  
O'Neal (Lauderdale),

O'Neill (Jefferson),	Sentell,
Opp,	Sloan,
Parker (Cullman),	Smith (Mobile),
Parker (Elmore),	Smith, Mac. A.,
Pettus,	Sorrell,
Pillans,	Studdard,
Pitts,	Thompson,
Porter,	Waddell,
Proctor,	Watts,
Reese,	Weakley,
Renfro,	Weatherly,
Reynolds (Chilton),	White,
Reynolds (Henry),	Williams (Barbour),
Rogers (Lowndes),	Williams (Marengo),
Sanders,	Wilson (Washington).
Searcy,	Winn—89.
Selheimer,	

#### PAIRS ANNOUNCED.

The following pairs were announced:

Messrs. Miller, of Marengo, and Barefield; Craig and deGraffenried. Messrs. Miller, of Marengo, and Craig would vote aye, and Messrs. Barefield and deGraffenried would vote nay.

#### RECESS.

Pending the further consideration of the report of the Committee on Taxation, the hour of 1 o'clock arrived, and under the rules, the Convention recessed until 3:30 this afternoon.

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#### AFTERNOON SESSION.

The Convention met pursuant to adjournment.

#### ROLL CALL.

On a call of the roll of the Convention the following delegates answered to their names, which constitute a quorum:

Messrs. President,  
Ashcraft,  
Banks,  
Barefield,  
Bartlett,  
Beaver,  
Beddow,  
Bethune,  
Blackwell,  
Boone,  
Brooks,  
Browne,  
Bulger,  
Burnett,  
Burns,  
Byars,  
Cardon,  
Carmichael (Colbert),  
Carmichael (Coffee),  
Carnathon,  
Case,  
Chapman,  
Cobb,  
Cofer,  
Coleman (Greene),  
Coleman (Walker),  
Cornwell,  
Craig,  
Cunningham,  
Davis (DeKalb),  
Davis (Etowah),  
Dent,  
Eley,  
Eyster,  
Espy,  
Ferguson,  
Fitts,  
Fletcher,  
Foshee,  
Foster,  
Freeman,

Gilmore,  
Glover,  
Graham (Montgomery),  
Graham (Talladega),  
Grant,  
Grayson,  
Haley,  
Harrison,  
Heflin (Chambers),  
Heflin (Randolph),  
Hinson,  
Hodges,  
Hood,  
Howell,  
Howze,  
Inge,  
Jackson,  
Jenkins,  
Jones (Bibb),  
Jones (Hale),  
Jones (Montgomery),  
Jones (Wilcox),  
Kirk,  
Kirkland,  
Knight,  
Kyle,  
Leigh,  
Locklin,  
Lomax,  
Long (Butler),  
Long (Walker),  
Lowe (Jefferson),  
Lowe (Lawrence),  
Macdonald,  
McMillan (Baldwin),  
McMillan (Wilcox),  
Malone,  
Martin,  
Maxwell,  
Merrill,  
Miller (Wilcox),



Moody,	Sanford,
Murphree,	Searcy,
NeSmith,	Selheimer,
Norman,	Sentell,
Norwood,	Sloan,
Oates,	Smith (Mobile),
O'Neal (Lauderdale),	Smith, Mac. A.
O'Neill (Jefferson),	Smith, Morgan M.,
Opp,	Sorrell,
O'Rear,	Spears,
Palmer,	Spragins,
Parker (Cullman),	Stewart,
Parker (Elmore),	Thompson,
Pettus,	Vaughan,
Phillips,	Waddell,
Pillans,	Walker,
Pitts,	Watts,
Porter,	Weakley,
Proctor.	Weatherly,
Renfro,	White,
Reynolds (Henry),	Williams (Barbour),
Robinson,	Williams (Marengo),
Rogers (Lowndes),	Wilson (Clarke),
Rogers (Sumter),	Wilson (Washington),
Sanders,	Winn—132.

## UNFINISHED BUSINESS.

The Convention proceeded to the consideration of the unfinished business, which was the report of the Committee on Taxation.

The question was upon the adoption of the substitute offered by Mr. Weakley for Section 10.

By unanimous consent the substitute was amended as follows:

Amend by adding after the word "improvement:" Provided that the proceeds of all obligations issued as herein provided in excess of said 7 per centum shall not be used for any purpose other than that for which said obligations were issued.

Insert after the words "may be created," where they first appear in substitute: Provided this limitation shall not apply to any debt now authorized by law to be created.

Amendment to substitute offered by Mr. Weakley:

After the word "Gadsden" insert the words "and Ensley."

Amend Section 10 by adding after the word "Ensley" the words "the town of Andalusia."

The substitute, as amended, was read at length as follows:

Sec. 10. No city, town or other municipal corporation shall become indebted in an amount, including present indebtedness, exceeding 5 per centum of the assessed value of the property thereof, except for the construction or purchase of water works, gas, or electric light plants, and sewerage, or for the improvement of streets for which purpose an additional indebtedness, not exceeding 3 per cent. may be created; provided, this limitation shall not apply to any debt now authorized by law to be created; and excepting also temporary loans to be paid within one year, made in anticipation of the collection of taxes, not to exceed one-fourth of the general revenues of such cities and towns; provided, however, that this limitation shall not apply to towns and cities having a population of six thousand or more, or to the city of Gadsden and Ensley, the town of Andalusia, and the cities of Decatur and New Decatur, which last described cities and towns shall not become indebted in an amount, including present indebtedness, exceeding 7 per centum of the assessed valuation of the property thereof, and provided further, that there shall not be included in the limitations of the indebtedness of such last described cities and towns the following classes of indebtedness, to-wit: Temporary loans, to be paid within one year, made in anticipation of the collection of taxes, and to not exceed one-fourth of such taxes; bonds or other obligations already issued or which may hereafter be issued for the purpose of ac-

quiring, providing or constructing school houses, water works and sewers, and obligations incurred and bonds issued for street or sidewalk improvement, where the cost of the same, in whole or in part, is to be assessed against the property abutting said improvement; provided, that the proceeds of all obligations issued as herein provided in excess of said 7 per centum shall not be used for any purpose other than that for which said obligations were issued.

Nothing herein contained shall prevent the funding or refunding of existing indebtedness.

The amendment was thereupon adopted: Yeas, 77; nays, 38.

## YEAS.

Messrs. President,	Grayson,
Ashcraft,	Haley,
Banks,	Heflin (Chambers),
Beddow,	Hood,
Bethune,	Howell,
Blackwell,	Howze,
Boone,	Inge,
Brooks,	Jenkins,
Bulger,	Jones (Bibb),
Burns,	Jones (Hale),
Cardon,	Jones (Montgomery),
Carmichael (Colbert),	Jones (Wilcox),
Carmichael (Coffee),	Kirkland,
Cornwell,	Knight,
Cunningham,	Kyle,
Davis (Etowah),	Locklin,
Dent,	Lomax,
Eley,	Long (Walker),
Eyster,	Lowe (Jefferson),
Ferguson,	Lowe (Lawrence),
Fletcher,	McMillan (Wilcox),
Foster,	Martin,
Freeman,	Merrill,
Graham (Montgomery),	Miller (Wilcox),
Graham (Talladega).	Norman,

Norwood,  
O'Neal (Lauderdale),  
O'Neill (Jefferson),  
Opp,  
O'Rear,  
Palmer,  
Parker (Cullman),  
Parker (Elmore),  
Pettus,  
Pillans,  
Pitts,  
Porter,  
Proctor,  
Rogers (Lowndes),

Sanders,  
Selheimer,  
Smith (Mobile),  
Smith, Mac. A.,  
Thompson,  
Waddell,  
Watts,  
Weakley,  
Weatherly,  
White,  
Williams (Barbour),  
Williams (Marengo),  
Wilson (Clarke),  
Wilson (Washington)—77.

NAYS.

Messrs. Browne,  
Burnett,  
Byars,  
Carnathon,  
Chapman,  
Cobb,  
Cofer,  
Coleman (Greene),  
Fitts,  
Foshee,  
Handley,  
Harrison,  
Hodges,  
Jackson,  
Kirk,  
Leigh,  
Lowe (Lawrence),  
Macdonald,  
Malone,

Maxwell,  
Moody,  
Murphree,  
Oates,  
Phillips,  
Reese.  
Renfro,  
Reynolds (Henry),  
Rogers (Sumter),  
Sanford,  
Searcy,  
Sentell,  
Sloan,  
Smith. Morgan M.,  
Sorrell,  
Spragins,  
Stewart,  
Walker.  
Winn—38.

PAIRS ANNOUNCED.

The following pairs were announced:

Messrs. Barefield and Miller, of Marengo; Mulkey and Glover. Messrs. Barefield and Mulkey would vote

aye, and Messrs. Miller, of Marengo, and Glover would vote nay.

Mr. Browne moved to table Section 10.

The motion was lost.

The question recurred upon the adoption of Section 10.

Section 10 was thereupon adopted.

Mr. Browne offered the following amendment to the Article XI, reported by the Committee on Taxation, said amendment to constitute a new section:

Amendment to Article XI.

Add an additional section and number the same Section 5, as follows:

Sec. 5. No county in this State shall be authorized to levy a larger rate of taxation in any one year on the value of the taxable property therein than one-half of one per centum; provided, that to pay debts existing at the ratification of the Constitution of 1875 an additional rate of one-fourth of one per centum may be levied and collected, which shall be exclusively appropriated to the payment of such debts or the interest thereon; provided, further, that to pay any debt or liability now existing against any county, incurred for the erection, construction and maintenance of the necessary public buildings or bridges, or that may hereafter be created for the erection and maintenance of necessary public buildings, bridges or roads, any county may levy and collect such special taxes, not to exceed a rate of one-fourth of one per centum, as may have been or may hereafter be authorized by law, which taxes so levied and collected shall be applied exclusively to the purpose for which the same were so levied and collected; provided further, that for additional aid to the public schools any county may levy and collect such special tax as may be authorized by law, provided such tax, the time it is to continue, and the purpose thereof, shall have been first submitted to a vote of the qualified electors of the county and voted for by a three-fifths majority thereof voting at such election; but the rate of such special tax shall not increase the rate of taxation in any one year to more than \$1.25 on every \$100 worth

of taxable property, for all State and county purposes, excluding special taxes for necessary public buildings, roads, bridges and payment of debts existing at the ratification of the Constitution of 1875; and provided further, that such tax for schools shall be apportioned equitably and paid through the proper school officials to the public schools for white and those for colored pupils respectively, by the Court of County Commissioners or Board of Revenue, and that the amount apportioned to white schools shall be paid to each in proportion the number of pupils therein bears to the total number in all such white schools, and the amount apportioned to colored schools shall be paid to them in like manner.

Mr. Ashcraft offered the following amendment to the amendment offered by Mr. Browne:

Amend Section 5 of Article XI, as proposed by the amendment by striking out the last provision in said section beginning in the twelfth line thereof; and inserting in lieu of said provision the following:

6. It shall be the duty of the County Superintendent of Education in each county, by and with the advice and consent of the Court of County Commissioners, or body of like jurisdiction, to organize the white people of the county into white school districts, and the colored people of the county into colored school districts, according to their respective needs and advantages, without reference to each other as to territorial boundaries.

7. A trustee or trustees or Board of Education, as may be provided by law, shall be selected for white school districts from the white residents of such district, and for the colored school districts from the colored residents of such district; provided, no incorporated town or city maintaining a system of public schools as provided by law, shall be separated into districts without the consent of the Mayor, and Board of Aldermen of such town or city.

8. For the purpose of building, enlarging, improving or furnishing schools houses in any district or for the purpose of supplementing the general school funds from Federal, State, county, municipal and other sources,

the Court of County Commissioners, or body of like jurisdiction, shall, as hereinafter provided, levy a special assessment of not more than one-tenth of one per centum in any one year, upon the property of white persons situated in one white district, or upon the property of colored persons situated in a colored district; provided, no such levy shall be made except upon the request of the qualified voters residing in the district expressed at an election held for that purpose, at which election two-thirds of those voting must favor the special levy. At such election in a white school district only qualified white electors shall be permitted to vote, and in the colored school districts only qualified colored electors shall be permitted to vote. It shall be the duty of the Probate Judge to order such an election in any district upon the petition of not less than one-fourth of the voters, who will be entitled to vote at such election. The order for such an election shall state the purposes for which it is proposed to make the assessment, the rate of the proposed assessment, and the number of years during which such assessment is proposed to be made. Notice of such election shall be given and the election held in such manner as may be provided by law for such special elections. No proposition shall be made at any such elections to levy such special assessments during a period of more than four years.

9. When any property belonging to a corporation is situated in a white school district where a special assessment is to be made as herein provided, such assessment shall be levied upon such proportion of the value of such property as the number of white children of school age in the county bears to the whole number of children of school age in the county. When such property is situated in a colored school district where such assessment is to be made, it shall be levied upon such proportion of the value thereof as the number of colored children of school age in the county bears to the whole number of children of school age in the county.

10. The foregoing sections of this article numbered 6, 7, 8 and 9 are intended and are hereby declared to con-

stitute an indivisible plan for permitting local special assessments in aid of public schools maintained by the State.

Mr. Rogers, of Sumter, moved to lay the amendment and the amendment to the amendment on the table and that 300 copies be ordered printed, and that the consideration of said amendments be taken up at the pleasure of the Convention.

The motion prevailed, and the amendments were laid on the table and 300 copies of each were ordered printed.

Mr. Browne moved to take Section 7 of the Article XI, reported by the Committee on Taxation from the table.

The motion was lost.

Mr. Cornwell offered the following amendment to the Article XI, reported by the Committee on Taxation:

That all counties, cities, towns or other municipal corporations shall create a sinking fund on issuing of any bonds for their redemption by raising annually a sum which will produce an amount equal to the sum of the principal and interest of said bonds at their maturity.

Provided, that this section shall apply to the issuance of bonds for the purpose of refunding the present existing bonded indebtedness of counties, cities, towns or other municipal corporations.

Mr. Cornwell moved that the amendment above set out, be laid upon the table, and that 300 copies be ordered printed, and the consideration of the said amendment be postponed until the amendments heretofore ordered printed be taken up.

The motion prevailed, and the amendment was laid on the table, and 300 copies ordered printed.

Mr. Macdonald offered the following amendment to the Article XI reported by the Committee on Taxation:

Amend article reported by the Committee on Taxation by adding the following as an addition section No. 11:

No city, town or other municipality shall make any assessment for the cost of sidewalk or street paving, or for the cost of the construction of any sewers, against property abutting on such street or sidewalk so paved,



or drained by such sewers, in excess of the actual increased value of such property by reason of such sidewalk or street paving, or by the construction of such sewers; and the burden of proving such increased value of said property shall be on the city, town or other municipality in all proceedings brought to enforce the collection of such assessments; and such assessments shall in no case exceed 5 per cent. of the assessed value of said property.

Mr. Weakley moved to table the amendment offered by Mr. Macdonald.

The motion prevailed, and the amendment was laid upon the table.

Mr. Macdonald moved that 300 copies of the above and foregoing amendment be printed, and that the said amendment be taken from the table and considered with the report of the Committee on Municipal Corporations.

#### SPECIAL ORDER.

The Convention proceeded to the consideration of the next special order, which was the report of the Committee on Preamble and Declaration of rights.

The report was read at length.

On motion the report was ordered considered section by section.

#### PREAMBLE.

We, the people of the State of Alabama, in Convention assembled, in order to establish justice, ensure domestic tranquility and secure the blessings of liberty to ourselves and our posterity invoking the favor and guidance of Almighty God—do ordain and establish the following Constitution and form of government for the State of Alabama:

Mr. Lomax moved to strike out the word "in Convention assembled" in the first line of the Preamble.

The motion prevailed and the Preamble was, on motion of Mr. Lomax, adopted. The Preamble, as amended, reads as follows:

We, the people of Alabama, in order to establish justice, ensure domestic tranquility and secure the blessings of liberty to ourselves and our posterity invoking the favor and guidance of Almighty God—do ordain and establish the following Constitution and form of government for the State of Alabama:

## ARTICLE —.

### SECTION ONE.

#### DECLARATION OF RIGHTS.

That the great, general and essential principles of liberty and free government may be recognized and established, we declare:

1. That all men are equally free and independent; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty and the pursuit of happiness.

Was read at length.

On motion of Mr. Lomax Section 1 was adopted.

### SECTION TWO.

2. That all persons resident in this State, born in the United States or naturalized, or who have legally declared their intention to become citizens of the United States, are hereby declared citizens of the State of Alabama, possessing equal civil and political rights.

Was read at length.

Mr. Sanford offered the following amendment to Section 2:

Amend Section 2 by striking out the words "or who shall have legally declared their intention to become citizens of the United States.

Mr. Coleman of Greene moved to table Section 2, and the pending amendment.

The motion was lost.

Mr. Pettus offered the following amendment to the amendment offered by Mr. Sanford:

Amend by striking out the words "and political" in line three of Section 2 of Article 1.

#### PRIVILEGES OF THE FLOOR.

On motion of Mr. Burns, the privileges of the floor were extended to Hon. F. S. Scott, a member of the Constitutional Convention of 1875.

#### ADJOURNMENT.

Pending the further consideration of the report of the Committee on Preamble and Declaration of Rights, the hour of 6 p. m. having arrived the Convention, under the rules, adjourned until 9:30 a. m. to-morrow.

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### THIRTY-EIGHTH DAY.

#### CONVENTION HALL.

Montgomery, Ala., Saturday, July 6, 1901.

The Convention met pursuant to adjournment.  
Prayer was offered by Rev. Dr. Patterson of the city.

#### ROLL CALL.

On a call of the roll of the Convention, the following delegates answered to their names, which constituted a quorum :

Messrs. President,  
Ashcraft,  
Banks,  
Barefield,  
Bartlett,  
Beddow,  
Bethune,  
Blackwell,

Boone,  
Brooks,  
Browne,  
Bulger,  
Burnett,  
Burns,  
Byars,  
Cardon,

Carnathan,  
 Chapman,  
 Cobb,  
 Cofer,  
 Coleman (Greene),  
 Cornwell,  
 Cunningham,  
 Davis (Etowah),  
 Dent,  
 Duke,  
 Eley,  
 Eyster,  
 Espy,  
 Ferguson,  
 Fitts,  
 Fletcher,  
 Foshee,  
 Foster,  
 Freeman,  
 Glover,  
 Graham (Montgomery),  
 Graham (Talladega),  
 Grayson,  
 Haley,  
 Harrison,  
 Heflin (Chambers),  
 Heflin (Randolph),  
 Henderson,  
 Hodges,  
 Hood,  
 Howell,  
 Howze,  
 Inge,  
 Jackson,  
 Jenkins,  
 Jones (Bibb),  
 Jones (Hale),  
 Jones (Montgomery),  
 Jones (Wilcox),  
 Knight,  
 Kyle,

Leigh,  
 Locklin,  
 Lomax,  
 Long (Butler),  
 Long (Walker),  
 Lowe (Jefferson),  
 Lowe (Lawrence),  
 Macdonald,  
 McMillan (Wilcox),  
 Malone,  
 Martin,  
 Maxwell,  
 Merrill,  
 Miller (Wilcox),  
 Moody,  
 Mulkey,  
 Murphree,  
 NeSmith,  
 Norman,  
 Norwood,  
 Oates,  
 O'Neal (Lauderdale),  
 O'Neill (Jefferson),  
 Opp,  
 O'Rear,  
 Palmer,  
 Parker (Cullman),  
 Parker (Elmore),  
 Pearce,  
 Pettus,  
 Phillips,  
 Pillans,  
 Pitts,  
 Porter,  
 Proctor,  
 Reese,  
 Renfro,  
 Reynolds (Chilton),  
 Reynolds (Henry),  
 Rogers (Lowndes),  
 Rogers (Sumter),

Samford,  
 Sanders,  
 Sanford,  
 Searcy,  
 Selheimer,  
 Sentell,  
 Sloan,  
 Smith (Mobile),  
 Smith, Mac. A.,  
 Smith, Morgan M.,  
 Sorrell,  
 Spears,  
 Spragins,  
 Stewart,  
 Studdard,

Tayloe,  
 Thompson,  
 Waddell,  
 Walker,  
 Watts,  
 Weakley,  
 Weatherly,  
 White,  
 Willett,  
 Williams (Barbour),  
 Williams (Marengo)  
 Wilson (Clarke),  
 Wilson (Washington).  
 Winn—127.

#### LEAVE OF ABSENCE

Was granted to Mr. Searcy for to-day; Mr. Carmichael, of Coffee, for to-day; Mr. Studdard for Monday and Tuesday on account of sickness; Messrs. Opp, Waddell, Stewart and Cofer for Monday; Norwood for to-day.

#### REPORT OF COMMITTEE ON THE JOURNAL.

The chairman of the Committee on the Journal submitted the following report:

The Committee on the Journal beg leave to report that they have examined the Journal for the thirty-seventh day of the Convention, and that the same is correct.

Respectfully submitted,

JOHN F. PROCTOR, *Chairman.*

The report of the Committee was concurred in.

#### RESOLUTIONS.

Mr. Waddell offered the following resolution. The rules were suspended, and the resolution was adopted:

Resolution 225, by Mr. Waddell:

Resolved, That this Convention remain in session until 2 o'clock p. m. to-day and that that time it stand adjourned until Monday next.

The following resolutions were offered, severally read one time at length, and referred to appropriate committees as follows:

Resolution 226, by Mr. O'Neal, of Lauderdale:

Whereas, This Convention has shown its ability to limit the debate, taxes and municipal indebtedness, but seems utterly powerless to limit the heat, and

Whereas, There seems to be a strong limitation upon the prospects of this Convention reaching the snowy summits of Monte Sano, and

Whereas, We must remain for a time beyond which the memory of man runneth not to the contrary, in this hot but classic hall, therefore be it

Resolved, That the Sergeant-at-arms be instructed to place two additional fans in this hall.

The resolution was referred to the Committee on Schedules, Printing and Incidental Expenses.

Resolution 227, by Mr. Sentell:

Resolved, That the rules of this Convention, as embodied in resolution 184, be amended so as to read as follows:

That from and after the passage of this resolution no per diem will be allowed delegates of this Convention who are absent except those granted leave of absence on account of sickness of themselves or members of their families, or other good cause.

The resolution was referred to the Committee on Rules.

Resolution 228, by Mr. White:

Resolved, That the President of this Convention appoint a committee of five, whose duty it shall be to see that all articles adopted by this Convention are properly engrossed. Said committee to be known as the Committee on Engrossment.

The resolution was referred to the Committee on Rules.

Resolution 229, by Mr. White:

Resolved, That when any article has been adopted, 300 copies thereof shall be printed for the use of the members of this Convention.

The resolution was referred to the Committee on Rules.

Resolution 230, by Mr. Harrison:

Resolved, That the secretary of this Convention be and is hereby instructed to deposit a copy of the stenographic report of the Convention in the libraries of the following institutions in this State, to-wit: One at the University of Alabama, one at the Alabama Polytechnic Institute, one at the Southern University, one at Howard College, one at Spring Hill College, and one at the Normal College at Florence.

The resolution was referred to the Committee on Rules.

#### ORDINANCES ON FIRST READING.

The following ordinances were introduced, severally read one time at length, and referred to appropriate committees, as follows:

Ordinance 412, by Mr. Merrill:

An ordinance relating to the bonded indebtedness of the State.

The ordinance was referred to the Committee on Amending the Constitution and Miscellaneous Provisions.

#### REPORT OF STANDING COMMITTEES.

Mr. Howze, chairman of the Committee on Exemptions, submitted the following report, which was laid upon the table, and 300 copies ordered printed:

#### REPORT OF THE COMMITTEE ON EXEMPTIONS.

*Mr. President:*

I am instructed by the Committee on Exemptions to make the following report:

The committee considered carefully all ordinances and resolutions submitted to it, several of which contained valuable suggestions, but the committee has deemed it best not to make any change in the Article on Exemptions in the present Constitution, and direct me to report said article to be incorporated in the new Constitution.

All ordinances and resolutions referred to the committee are herewith returned.

A. C. HOWZE, *Chairman.*

## ARTICLE —

### EXEMPTED PROPERTY.

Section 1. The personal property of any resident of this State to the value of \$1,000, to be selected by such resident, shall be exempted from sale on execution, or other process of any court, issued for the collection of any debt contracted since the thirteenth day of July, 1868, or after the ratification of this Constitution.

Sec. 2. Every homestead, not exceeding 80 acres, and the dwelling and appurtenances thereon, to be selected by the owner thereof, and not in any city, town or village, or in lieu thereof, at the option of the owner, any lot in a city, town or village, with the dwelling and appurtenances thereon owned and occupied by any resident of this State, and not exceeding the value of \$2,000, shall be exempt from sale on execution or any other process from a court, for any debt contracted since the thirteenth day of July, 1868, or after the ratification of this Constitution. Such exemption, however, shall not extend to any mortgage lawfully obtained, but such mortgage, or other alienation of said homestead by the owner thereof, if a married man, shall not be valid without the voluntary signature and assent of the wife to the same.

Sec. 3. The homestead of a family, after the death of the owner thereof, shall be exempt from the payment of any debt contracted since the thirteenth day of July,



1868, or after the ratification of this Constitution, in all cases, during the minority of the children.

Sec. 4. The provisions of Sections 1 and 2 of this article shall not be so construed as to prevent a laborers' lien for work done and performed for the person claiming such exemption, or a mechanic's lien for work done on the premises.

Sec. 5. If the owner of a homestead die, leaving a widow, but no children, such homestead shall be exempt, and the rents and profits thereof shall inure to her benefit.

Sec. 6. The real or personal property of any female in this State, acquired before marriage, and all property, real or personal, to which she may afterwards be entitled by gift, grant, inheritance or devise, shall be and remain the separate estate and property of such female, and shall not be liable for any debts, obligations and engagements of her husband, and may be devised or bequeathed by her, the same as if she was a feme sole.

Sec. 7. The right of exemption hereinbefore secured, may be waived by an instrument in writing, and when such waiver relates to realty, the instrument must be signed by both the husband and the wife, and attested by one witness.

#### UNFINISHED BUSINESS.

The Convention proceeded to the consideration of the unfinished business, which was the report of the Committee on Preamble and Declaration of Rights.

The question was upon the amendment offered by Mr. Pettus to the amendment offered by Mr. Sanford to Section 2 of the report of the Committee on Preamble and Declaration of Rights.

Mr. Lomax moved that Section 2 and the pending amendments be laid upon the table.

The motion prevailed, and Section 2 and the pending amendments were laid upon the table.

## SECTION THREE.

3. That all political power is inherent in the people, and all free governments are founded on their authority, and instituted for their benefit; and that, therefore, they have at all times an inalienable and indefeasible right to change their form of government in such manner as they may deem expedient.

Was read at length, and on motion of Mr. Lomax, was adopted.

## SECTION FOUR.

4. That no religion shall be established by law; that no preference shall be given by law to any religious sect, society, denomination or mode of worship; that no one shall be compelled by law to attend any place of worship; nor pay any tithes, taxes or other rate for the building or repairing any place of worship, or for maintaining any minister or ministry; that no religious test shall be required as a qualification to any office or public trust under this State; and that the civil rights, privileges and capacities of any citizen shall not be in any manner affected by his religious principles.

Was read at length, and on motion of Mr. Lomax, was adopted.

## SECTION FIVE.

5. No law shall ever be passed to curtail or restrain the liberty of speech or of the press; and any person may speak, write and publish his sentiments on all subjects, being responsible for the abuse of that liberty.

Mr. Lomax asked unanimous consent to amend Section 5 by adding the word "that" at the beginning of the section.

Consent was granted, and Section 5 was amended as follows:

5. That no law shall ever be passed to curtail or restrain the liberty of speech or of the press; and any person may speak, write and publish his sentiments on

all subjects, being responsible for the abuse of that liberty.

Mr. Lomax moved that Section 5, as amended, be adopted.

The motion prevailed, and Section 5, as amended, was adopted.

#### SECTION SIX.

6. That the people shall be secure in their persons, houses, papers and possessions from unreasonable seizure or searches, and that no warrants shall issue to search any place or to seize any person or thing without probable cause, supported by oath or affirmation.

Was read at length, and on motion of Mr. Lomax, was adopted.

#### SECTION SEVEN.

7. That in all criminal prosecutions, the accused has a right to be heard by himself and counsel or either; to demand the nature and cause of the accusation; to have a copy thereof; to be confronted by the witnesses against him; to have compulsory process for obtaining witnesses in his favor; to testify in all cases, in his own behalf, if he elects so to do; and, in all prosecutions by indictment, a speedy, public trial, by an impartial jury of the county or district in which the offense was committed; and that he shall not be compelled to give evidence against himself, nor be deprived of life, liberty or property but by due process of law; but the General Assembly may, by a general law, provide for a change of venue for the defendant in all prosecutions by indictment, and that such change of venue on application of the defendant, may be heard and determined without the personal presence of the defendant so applying therefor.

Was read at length.

The following minority report was read at length, and the same was considered as an amendment to Sec-

tion 7 of the report of the Committee on Preamble and Declaration of Rights:

"The undersigned, member of the Committee on Preamble and Declaration of Rights, concurs in the majority of said report save as to portions of Section 7, and he offers as an amendment to portions of Section 7 the following:

And in all prosecutions by indictment the place in the county or district in which the crime was committed shall be stated with reasonable certainty as to enable the defendant to know the particular place where the criminal act is alleged to have been committed."

Respectfully submitted,

J. H. BAREFIELD.

Mr. Barefield offered the following amendment to the amendment (which was the minority report):

Amend minority report of Section 7: Insert after indictment the words "time and."

Mr. Reese moved to lay the minority report and the amendment thereto upon the table.

The motion prevailed, and the minority report and amendment was laid upon the table.

Mr. Reese offered the following amendment to Section 7:

Amend Section 7 by inserting after the word "committed," in the sixth line, the following: But in prosecutions for rape, adultery, fornication, sodomy or the crime against nature, the court may, in its discretion, exclude from the court room all persons except such as are necessary in the conduct of the trial.

Mr. Espy moved to table the amendment offered by Mr. Reese.

The motion prevailed, and the amendment was laid upon the table.

Mr. Coleman, of Greene, offered the following amendment to Section 7:

Amend Section 7 by adding thereto the following words: "Provided that at the time of the application for the change of venue the defendant is imprisoned in jail or some legal place of confinement.

By unanimous consent the amendment was adopted.

Mr. Waddell offered the following amendment to Section 7:

To amend Section 7 by adding in the fifth line, after the word "do" the following words: And the wife or the husband may be allowed to testify for or against each other where the charge is infanticide.

Mr. Lomax moved to table the amendment offered by Mr. Waddell.

The motion prevailed, and the amendment was laid upon the table.

On motion of Mr. Lomax, Section 7, as amended, was adopted.

#### SECTION EIGHT.

8. That no person shall be accused or arrested, or detained except in cases ascertained by law, and according to the form which the same has prescribed; and no person shall be punished but by virtue of a law established and promulgated prior to the offense and legally applied.

Was read at length, and on motion of Mr. Lomax, was adopted.

#### SECTION NINE.

9. That no person shall, for any indictable offense, be proceeded against criminally, by information, except in cases arising in the militia and volunteer forces when in actual service or by leave of the court, for misfeasance, misdemeanor, extortion and oppression in office otherwise than is provided in this Constitution; provided that in cases of misdemeanor, the General Assembly may, by law, dispense with a Grand Jury, and authorize such prosecutions and proceedings before Justices of the Peace or such other inferior courts as may be by law established.

Was read at length.

Mr. Oates offered the following amendment to Section 9:

Amend Section 9 in line two, after the word "information" insert the following: Except when a felony has been committed and the Grand Jury, at its first term thereafter, fails to find a bill of indictment, the court may order such a prosecution, and."

Mr. Duke offered the following amendment to the amendment offered by Mr. Oates:

Amend the amendment by inserting immediately after the word "felony" the words "which may be punished capitally."

Mr. Pettus moved to table the amendment offered by Mr. Oates and the amendment to the amendment offered by Mr. Duke.

The motion to table prevailed, and the amendment to the amendment was laid upon the table: Yeas, 71; nays, 44.

## YEAS.

Messrs. Barefield,  
Bartlett,  
Beavers,  
Beddow,  
Bethune,  
Blackwell,  
Brooks,  
Bulger,  
Byars,  
Cardon,  
Carnathon,  
Chapman,  
Cobb,  
Coleman (Greene),  
Cornwell,  
Ferguson,  
Fitts,  
Fletcher,  
Foster,  
Freeman,  
Glover,  
Haley,  
Heffin (Chambers),

Hodges,  
Hood,  
Inge,  
Jackson,  
Jones (Hale),  
Jones (Wilcox),  
Knight,  
Long (Butler),  
Lowe (Lawrence),  
McMillan (Baldwin),  
McMillan (Wilcox),  
Martin,  
Merrill,  
Miller (Wilcox),  
Moody,  
NeSmith,  
Opp,  
O'Rear,  
Parker (Cullman),  
Parker (Elmore),  
Pearce,  
Pettus,  
Phillips,

Pitts,  
Proctor,  
Reese,  
Renfro,  
Reynolds (Henry),  
Rogers (Lowndes),  
Rogers (Sumter),  
Sanders,  
Sentell,  
Sloan,  
Smith, Mac. A.,  
Smith, Morgan M.  
Sorrell,

Spears,  
Spragins,  
Stewart,  
Thompson,  
Walker,  
Weatherly,  
Willett,  
Williams (Barbour),  
Williams (Marengo),  
Wilson (Clarke),  
Wilson (Washington).  
Winn—71.

## NAYS.

Messrs. President,  
Ashcraft,  
Banks,  
Boone,  
Browne,  
Burns,  
Cofer,  
Cunningham,  
Dent,  
Duke,  
Eley,  
Espy,  
Graham (Montgomery),  
Graham (Talladega),  
Grayson,  
Harrison,  
Henderson,  
Howell,  
Howze,  
Jenkins,  
Jones (Bibb),  
Jones (Montgomery),

Kyle,  
Leigh,  
Locklin,  
Lomax,  
Long (Walker),  
Lowe (Jefferson),  
Malone,  
Maxwell,  
Murphree,  
Norman,  
Oates,  
O'Neill (Jefferson),  
O'Neal (Lauderdale),  
Palmer,  
Porter,  
Sanford,  
Selheimer,  
Studdard,  
Waddell,  
Watts,  
White—44.

Mr. Jones, of Montgomery, offered the following amendment to Section 9:

Amend Section 9 by adding after the words "actual service," in the third line of the printed bill, the words "or when assembled under arms as a military organization."

The amendment was adopted.

Mr. Ferguson offered the following amendment to Section 9:

To amend Section 9 in line five, after the word "misdemeanor" by adding the words "and grand larceny."

Mr. Jones, of Wilcox, moved to table the amendment offered by Mr. Ferguson.

The motion prevailed and the amendment was tabled.

Mr. O'Neal, of Lauderdale, offered the following amendment to Section 9:

Amend Section 9 by adding words "the Circuit or City Court" before the words "Justices of the Peace."

Mr. Lomax moved to table the amendment offered by Mr. O'Neal, of Lauderdale.

The motion prevailed, and the amendment was laid upon the table.

On motion of Mr. Lomax, Section 9, as amended, was adopted.

#### SECTION TEN.

10. That no person shall, for the same offense, be twice put in jeopardy of life or limb; but courts may, for reasons fixed by law, discharge juries from the consideration of any case, and no person shall gain any advantage by reason of such discharge of the jury.

Was read at length, and on motion of Mr. Lomax, was adopted.

#### SECTION ELEVEN.

11. That no person shall be barred from prosecuting or defending before any tribunal in this State, by himself or counsel, any civil cause to which he is a party.

Was read at length, and on motion of Mr. Lomax, was adopted.



## SECTION TWELVE.

12. That the right of trial by jury shall remain inviolate.

Was read at length.

The following minority report was read at length:

The undersigned members of the Committee on Preamble and Declaration of Rights, do not concur in the foregoing report of the committee so far as it relates to Section 12, Article I, for the following reasons:

In every relation of life in Alabama, where the result is dependent upon the opinions and decisions of a number of persons, the principle of majority rule governs, with the single exception of a verdict of a jury. Why should a unanimous verdict on a question of fact be required and enforced from a jury? A majority of one vote in this Convention either puts a proposition in the organic law or rejects it. A majority of one vote in each House of the General Assembly creates, repeals or modifies a positive law, regardless of the magnitude of the interests involved; a majority of the Senate of United States ratifies or refuses to consent to a treaty with a foreign power. A majority of a single vote in a half a million in a pivotal State may elect a President of the United States, change the policy of the government, and bring prosperity or ruin to seventy millions of people. And yet the majority of the committee deny that it would be sensible to apply this principle to a verdict of a jury in a civil suit at law. When a judgment is entered on a unanimous verdict, if an appeal is taken to the Supreme Court of the State, it can be then finally adjudicated by a bare majority of the Justices. So in the Supreme Court of the United States, five of the Justices against four held the income tax unconstitutional; and in the same court five of the Justices held that Porto Rico was not under the Constitution, and four that it was. Again in all ministerial and executive bodies the majority rules, and the will of the minority must give way to that of the majority when lawfully expressed. For these reasons we think that the provision authorizing three-fourths of a jury to render

a verdict in a civil case should become a part of our Constitution, as it is of several other important States of the Union.

We therefore recommend as a substitute for Section 12, Article 1, as reported by the committee, the following:

Article 1, Section 12: The right of trial by jury as heretofore enjoyed, shall remain inviolate; but in civil actions three-fourths of the jury may render a verdict.

Respectfully submitted,

SAMUEL BLACKWELL,  
E. P. WILSON,  
T. J. CORNWELL.

The question was upon the substitute offered by the minority for Section 12.

Mr. Grayson offered the following amendment to the minority report:

Amend by striking out three-fourths and insert five-sixths.

Mr. Barefield moved to table the amendment of Mr. Grayson.

The motion prevailed, and the amendment was laid upon the table.

Mr. Barefield moved to table the minority report.

The motion was lost: Yeas, 43; nays, 43.

# YEAS.

Messrs. President,  
Barefield,  
Beavers,  
Bethune,  
Byars,  
Cardon,  
Carnathon,  
Cunningham,  
Espy,  
Foster,  
Glover,  
Graham (Talladega),

Henderson,  
Hood,  
Howze,  
Jackson,  
Jones (Hale),  
Jones (Wilcox),  
Leigh,  
Lomax,  
Long (Walker),  
Lowe (Lawrence),  
Martin,  
Maxwell,

Merrill,  
 Miller (Wilcox),  
 NeSmith,  
 Norman,  
 O'Neal (Lauderdale),  
 Opp,  
 O'Rear,  
 Parker (Cullman),  
 Parker (Elmore),  
 Porter,

Rogers (Sumter),  
 Sanders,  
 Spragins,  
 Stewart,  
 Thompson,  
 Waddell,  
 Walker,  
 Weatherly,  
 Willett—43.

## NAYS.

Messrs. Ashcraft,  
 Banks,  
 Beddow,  
 Blackwell,  
 Boone,  
 Brooks,  
 Bulger,  
 Burns,  
 Chapman,  
 Cobb,  
 Cofer,  
 Dent,  
 Eley,  
 Fletcher,  
 Foshee,  
 Grayson,  
 Haley,  
 Hodges,  
 Inge,  
 Jones (Bibb),  
 Kyle,  
 Macdonald,

Malone,  
 Moody,  
 Murphree,  
 Oates,  
 O'Neill (Jefferson),  
 Palmer,  
 Pearce,  
 Pettus,  
 Pitts,  
 Reese,  
 Reynolds (Henry),  
 Rogers (Lowndes),  
 Sanford,  
 Selheimer,  
 Smith, Mac. A.  
 Smith, Morgan M.  
 Spears,  
 Watts,  
 White,  
 Wilson (Washington).  
 Winn—43.

## PAIRS ANNOUNCED.

The following pairs were announced:

Messrs. Smith, of Mobile, and Jones, of Montgomery;  
 Pillans and Wilson, of Clarke. Messrs. Smith, of Mo-

bile, and Pillans would vote aye; and Messrs. Jones, of Montgomery, and Wilson, of Clarke, would vote nay.

#### ADJOURNMENT.

Pending the further consideration of the report of the Committee on Preamble and Declaration of Rights, on motion of Mr. Sanders, the Convention adjourned until 9:30 o'clock on Monday morning.

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### THIRTY-NINTH DAY.

#### CONVENTION HALL.

Montgomery, Ala., Monday, July 8, 1901.

The Convention met pursuant to adjournment.

Prayer was offered by Rev. Mr. Howell of the Convention.

#### ROLL CALL.

On a call of the roll of the Convention the following delegates answered to their names, which constituted a quorum:

Messrs. President,	Burnett,
Almon,	Burns,
Ashcraft,	Byars,
Banks,	Carmichael (Colbert),
Barefield,	Carnathon,
Bartlett,	Chapman,
Beavers,	Cobb,
Beddow,	Coleman (Greene),
Bethune,	Craig,
Blackwell,	Cunningham,
Boone,	Davis (DeKalb),
Brooks,	Davis (Etowah),
Bulger,	Dent,

Duke,  
Eley,  
Eyster,  
Ferguson,  
Fitts,  
Fletcher,  
Foshec,  
Foster,  
Freeman,  
Gilmore,  
Glover,  
Graham (Montgomery),  
Graham (Talladega),  
Grant,  
Grayson,  
Greer (Calhoun),  
Haley,  
Harrison,  
Heflin (Chambers),  
Heflin (Randolph),  
Henderson,  
Hodges,  
Hood,  
Howell,  
Howze,  
Jackson,  
Jenkins,  
Jones (Bibb),  
Jones (Hale),  
Jones (Montgomery),  
Jones (Wilcox),  
Kirk,  
Kirkland,  
Knight,  
Kyle,  
Ledbetter,  
Leigh,  
Lomax,  
Long (Butler),  
Long (Walker),  
Lowe (Lawrence),

Macdonald,  
McMillan (Wilcox),  
Martin,  
Maxwell,  
Merrill,  
Miller (Wilcox),  
Murphree,  
NeSmith,  
Norman,  
Norwood,  
Oates,  
O'Neal (Lauderdale),  
Palmer,  
Parker (Cullman),  
Parker (Elmore),  
Pearce,  
Pettus,  
Phillips,  
Pillans,  
Pitts,  
Porter,  
Reese,  
Reynolds (Chilton),  
Reynolds (Henry),  
Rogers (Sumter),  
Samford,  
Sanders,  
Sanford,  
Searcy,  
Selheimer,  
Sentell,  
Sloan,  
Smith, Mac. A.,  
Smith, Morgan M.,  
Spears,  
Spragins,  
Thompson,  
Vaughan,  
Walker,  
Watts,  
Weatherly,

White,  
Whiteside,  
Willett,

Williams (Marengo),  
Wilson (Clarke).  
Wilson (Washington)—114

LEAVES OF ABSENCE.

Was granted to Messrs. Cardon indefinitely; Browne for Monday and Tuesday; Inge for to-day; Moody for to-day; Studdard indefinitely; Tayloe for to-day; O'Rear indefinitely; Coleman, of Greene, for to-day; Locklin for to-day; Winn for to-day, to-morrow and Wednesday; Kirkland for to-morrow; Carmichael, of Coffee, to-day.

REPORT OF COMMITTEE ON THE JOURNAL.

The chairman of the Committee on the Journal submitted the following report, which was concurred in:

The Committee on the Journal beg leave to report that they have examined the Journal for the thirty-eighth day of the Convention, and that the same is correct.

Respectfully submitted,

JOHN F. PROCTOR, *Chairman*.

RESOLUTIONS.

The following resolution was offered and read at length one time:

Resolution 231, by Mr. Burns:

Resolved, That resolution No. 184, introduced by Mr. Cunningham, proposing to regulate leaves of absence, be and is hereby rescinded.

Mr. Burns moved that the rules be suspended and that the resolution be adopted.

The motion prevailed and the rules were suspended.

Mr. Cunningham moved to table the resolution.

The motion was lost.

The question recurred upon the motion to adopt the resolution.

The motion prevailed, and the resolution was adopted.

## ORDINANCES ON FIRST READING.

The following ordinances were introduced, severally read one time at length, and referred to appropriate committees, as follows:

Ordinance 413, by Mr. Burns:

Amendment to article on Taxation. Amend by adding — Section or proviso:

That no license tax shall be required by State, county or municipality of any veteran or ex-soldier of the Civil War of 1861-65, who is unable to perform manual labor, and whose taxable property does not amount to the exemptions allowed by this Constitution; provided, that this ordinance shall not apply to the sale of malt or spirituous liquors.

The ordinance was referred to the Committee on Taxation.

## REPORT OF STANDING COMMITTEES.

Mr. Jones, of Montgomery, chairman of the Committee on Executive Department, submitted the following reports, which were read at length, and laid upon the table, and 300 copies of the report containing ordinance No. 414 were ordered printed.

*Mr. President:*

The Committee on the Executive Department, to whom was referred the resolution introduced by the gentleman from Montgomery (Mr. Watts), as to the advisability of framing and reporting an ordinance to provide for the succession in the office of Governor, have had the subject under consideration, and direct me to report the accompanying ordinance, the passage of which the committee respectfully recommend.

THOS. G. JONES, *Chairman.*

Ordinance 414.

An ordinance to provide for the succession in the office of Governor, in event of his death, resignation, removal from office, disability or absence from the State, occur-

ring prior to the next election of a President of the Senate and Speaker of the House.

Section 1. Be it ordained by the people of Alabama, in Convention assembled, That in event the Governor dies, resigns, is removed or under disabilities, or absent from the State for more than twenty days prior to the next election of a President of the Senate and a Speaker of the House, the power and duties of the office shall devolve in the order named, upon the Hon. D. J. Meadow, the last President pro tem of the Senate; next upon the Hon. A. M. Tunstall, the last Speaker pro tem of the House; next upon the Attorney General; next upon the Auditor; next upon the Secretary of State; next upon the Treasurer; but the powers and duties of the person exercising the office of Governor in lieu of the Governor, shall cease and terminate whenever a President of the Senate and a Speaker of the House shall be elected at the next meeting of any General Assembly.

Sec. 2. Be it further ordained, that this ordinance shall go into effect immediately.

*Mr. President:*

The Committee on the Executive Department direct me to report the accompanying ordinance for the relief of E. L. May, and to recommend its passage:

THOS. G. JONES, *Chairman.*

Ordinance 415:

An ordinance for the relief of E. L. May:

Be it ordained by the people of Alabama, in Convention assembled, That the sum of \$35 be and the same is hereby appropriated to pay E. L. May for his services as clerk for attending the meetings of the Committee on the Executive Department, and transcribing the Article on the Executive Department as finally adopted and reported by the committee.

UNFINISHED BUSINESS.

The Convention proceeded to the consideration of the unfinished business, which was the report of the Committee on Preamble and Declaration of Rights.



The question was upon the amendment offered by Mr. Burns to the minority report. (The amendment was not read.)

Mr. Burns asked unanimous consent to withdraw the amendment.

Consent was granted, and the amendment was withdrawn.

#### RECONSIDERATION.

Mr. Williams, of Marengo, moved to reconsider the vote by which Section 10 was adopted.

Mr. Lomax moved to table the motion of Mr. Williams, of Marengo.

The motion prevailed, and the motion to reconsider was laid upon the table.

The question recurred upon the adoption of the minority report to Section 12 of the report of the Committee on Preamble and Declaration of Rights.

Mr. Coleman, of Greene, offered the following amendment to the minority report:

Move to amend the report of the minority by striking out said minority report, and add to the section, as reported by the committee, the following: "Provided, that the General Assembly may authorize the return of verdicts upon the agreement of three-fourths of the jury in all civil actions, not including actions in tort."

The amendment was lost: Yeas, 11; nays, 103.

#### YEAS.

Messrs. Ashcraft,  
Banks,  
Brooks,  
Coleman (Greene),  
Dent,  
Macdonald,

Oates,  
Reynolds (Henry),  
Rogers (Lowndes),  
Rogers (Sumter),  
Wilson (Washington)—11.

NAYS.

Messrs. President,  
 Almon,  
 Barefield,  
 Bartlett,  
 Beavers,  
 Beddow,  
 Bethune,  
 Blackwell,  
 Boone,  
 Bulger,  
 Burnett,  
 Burns,  
 Byars,  
 Carmichael (Colbert),  
 Carnathon,  
 Chapman,  
 Cobb,  
 Craig,  
 Cunningham,  
 Davis (DeKalb),  
 Davis (Etowah),  
 Duke,  
 Eley,  
 Eyster,  
 Ferguson,  
 Fitts,  
 Fletcher,  
 Foshee,  
 Foster,  
 Freeman,  
 Gilmore,  
 Glover,  
 Graham (Montgomery),  
 Graham (Talladega),  
 Grant,  
 Greer (Calhoun),  
 Haley,  
 Harrison,  
 Heflin (Chambers),

Heflin (Randolph),  
 Henderson,  
 Hodges,  
 Hood,  
 Howell,  
 Howze,  
 Jackson,  
 Jenkins,  
 Jones (Bibb),  
 Jones (Hale),  
 Jones (Wilcox),  
 Kirk,  
 Kirkland,  
 Knight,  
 Kyle,  
 Ledbetter,  
 Leigh,  
 Lomax,  
 Long (Butler),  
 Long (Walker),  
 Lowe (Lawrence),  
 McMillan (Wilcox),  
 Martin,  
 Maxwell,  
 Merrill,  
 Miller (Wilcox),  
 Murphree,  
 NeSmith,  
 Norman,  
 Norwood,  
 O'Neal (Lauderdale),  
 Parker (Cullman),  
 Parker (Elmore),  
 Pearce,  
 Pettus,  
 Phillips,  
 Pillans,  
 Pitts,  
 Porter,

Reese,  
 Reynolds (Chilton),  
 Samford,  
 Sanders,  
 Sanford,  
 Searcy,  
 Selheimer,  
 Sentell,  
 Sloan,  
 Smith, Mac. A.,  
 Smith, Morgan M.,  
 Sorrell,  
 Spears,

Spragins,  
 Thompson,  
 Vaughan,  
 Walker,  
 Watts,  
 Weatherly,  
 White,  
 Whiteside,  
 Willett,  
 Williams (Barbour),  
 Williams (Marengo),  
 Wilson (Clarke)—103.

#### PAIRS ANNOUNCED.

The following pairs were announced:

Mr. Mulkey would vote aye, and Mr. Palmer would vote nay.

Mr. Jones, of Montgomery, stated that he was paired with Mr. Smith, of Mobile, but he did not know how Mr. Smith would vote on the above proposition, and asked to be excused from voting. Mr. Jones, of Montgomery, was excused from voting.

The question recurred upon the adoption of the minority report.

The minority report was lost: Yes, 29; nays, 81.

#### YEAS.

Messrs. Ashcraft,  
 Banks,  
 Bartlett,  
 Beddow,  
 Blackwell,  
 Boone,  
 Brooks,  
 Byars,  
 Cobb,  
 Craig,  
 Dent,

Fletcher,  
 Foshee,  
 Freeman,  
 Macdonald,  
 Murphree,  
 Norwood,  
 Oates,  
 Pettus,  
 Pitts,  
 Reese,  
 Reynolds (Henry),

Rogers (Lowndes),  
 Sanford,  
 Selheimer,  
 Smith, Mac. A.,

Spears,  
 White,  
 Wilson (Washington)—29.

**NAYS.**

Messrs. President,  
 Almon,  
 Barefield,  
 Beavers,  
 Bethune,  
 Bulger,  
 Burnett,  
 Carmichael (Colbert),  
 Carnathon,  
 Chapman,  
 Coleman (Greene),  
 Cunningham,  
 Davis (DeKalb),  
 Davis (Etowah),  
 Duke,  
 Eley,  
 Eyster,  
 Ferguson,  
 Fitts,  
 Foster,  
 Gilmore,  
 Glover,  
 Graham (Montgomery),  
 Graham (Talladega),  
 Grant,  
 Greer (Calhoun),  
 Haley,  
 Harrison,  
 Heflin (Chambers),  
 Heflin (Randolph),  
 Henderson,  
 Hodges,  
 Hood,  
 Howell,

Howze,  
 Jackson,  
 Jenkins,  
 Jones (Bibb),  
 Jones (Hale),  
 Kirk,  
 Kirkland,  
 Knight,  
 Kyle,  
 Ledbetter,  
 Leigh,  
 Lomax,  
 Long (Butler),  
 Long (Walker),  
 Lowe (Jefferson),  
 Martin,  
 Maxwell,  
 Merrill,  
 Miller (Wilcox),  
 NeSmith,  
 Norman,  
 O'Neal (Lauderdale),  
 Parker (Cullman),  
 Parker (Elmore),  
 Pearce,  
 Phillips,  
 Pillans,  
 Porter,  
 Reynolds (Chilton),  
 Samford,  
 Sanders,  
 Searcy,  
 Selheimer,  
 Sentell,

Sloan,  
Sorrell,  
Spragins,  
Thompson,  
Vaughan,  
Walker,  
Watts,

Weatherly,  
Whiteside,  
Willett,  
Williams (Barbour),  
Williams (Marengo),  
Wilson (Clarke)—81.

#### PAIRS ANNOUNCED.

The following pairs were announced:

Messrs. Jones, of Montgomery, and Smith, of Mobile; Cofer and Jones, of Wilcox; Moody and McMillan, of Wilcox; Palmer and Mulkey; Burns and Carmichael, of Coffee.

Messrs. Jones, of Montgomery, Cofer, Moody, Palmer, and Burns would vote aye; and Messrs. Smith, of Mobile, Jones, of Wilcox; McMillan, of Wilcox; Mulkey, and Carmichael, of Coffee, would vote nay.

#### SECTION TWELVE.

Section 12 was, upon motion of Mr. Lomax, adopted.

#### RECESS.

Pending the further consideration of the report of the Committee on Preamble and Declaration of Rights, the hour of 1 o'clock arrived and, under the rules, the Convention recessed until 3:30 o'clock this afternoon.

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#### AFTERNOON SESSION.

The Convention met pursuant to adjournment.

#### ROLL CALL.

On a call of the roll of the Convention the following delegates answered to their names, which constituted a quorum:

Messrs. President,  
Almon,  
Ashcraft,  
Banks,  
Bartlett,  
Beavers,  
Beddow,  
Blackwell,  
Boone,  
Brooks,  
Bulger,  
Burns,  
Byars,  
Carmichael (Colbert),  
Carnathon,  
Chapman,  
Cobb,  
Cofer,  
Coleman (Greene),  
Cornwell,  
Craig,  
Cunningham,  
Davis (DeKalb),  
Dent,  
Duke,  
Eley,  
Eyster,  
Ferguson,  
Fitts,  
Fletcher,  
Foshee,  
Foster,  
Freeman,  
Glover,  
Graham (Montgomery),  
Graham (Talladega),  
Greer (Calhoun),  
Haley,

Harrison,  
Heflin (Chambers),  
Heflin (Randolph),  
Henderson,  
Hodges,  
Howell,  
Howze,  
Jackson,  
Jones (Bibb),  
Jones (Hale),  
Jones (Montgomery),  
Jones (Wilcox),  
Kirk,  
Kirkland,  
Knight,  
Kyle,  
Ledbetter,  
Leigh,  
Lomax,  
Long (Walker),  
Lowe (Lawrence),  
Macdonald,  
McMillan (Wilcox),  
Martin,  
Maxwell,  
Merrill,  
Miller (Wilcox),  
Murphree,  
NeSmith,  
Norman,  
Norwood,  
Oates,  
O'Neal (Lauderdale),  
Palmer,  
Parker (Cullman),  
Parker (Elmore),  
Pearce,  
Pettus,

Phillips,  
 Pillans,  
 Pitts,  
 Porter,  
 Reese,  
 Reynolds (Chilton),  
 Reynolds (Henry),  
 Robinson,  
 Rogers (Lowndes),  
 Rogers (Sumter),  
 Sanford,  
 Sanders,  
 Sanford,  
 Searcy,  
 Selheimer,  
 Sentell,  
 Sloan,

Smith, Mac. A.  
 Smith, Morgan M.,  
 Sorrell,  
 Spears,  
 Spragins,  
 Thompson,  
 Vaughan,  
 Walker,  
 Watts,  
 Weatherly,  
 White,  
 Whiteside,  
 Willett,  
 Williams (Barbour),  
 Williams (Marengo),  
 Wilson (Clarke),  
 Wilson (Washington)—110.

#### QUESTION OF PRIVILEGE.

Mr. Heflin, of Chambers, arose to a question of personal privilege, and stated his question of privilege as follows:

I rise to a question of personal privilege.

The President—The gentleman will state the question of privilege.

Mr. Heflin (Chambers)—On this morning, during roll call, upon the last roll call before adjournment, when the gentleman's name from Montgomery was reached, he stated to the Chair that he was paired with the gentleman from Mobile, and that he did not know how that gentleman would vote, and proceeded to explain his vote, saying that he would vote for the minority report, as he wanted that or nothing. I rose to the point of order that the gentleman could not state a pair unless the other gentleman would vote in the opposite from himself. Then the President *pro tem* asked me for what purpose I rose, and I said to have the gentleman from Montgomery to cast his vote without reference to the pair. The Chair ruled, when the distinguished gentleman from Montgomery said that it

occurred to him that the point of order was frivolous, and the Chair said that the Chair so ruled,—that my point of order was frivolous. I want to set myself right before this Convention, Mr. President, by reading rule 38 of this Convention: "Every delegate may be required to vote on any question before the Convention." Further rule 40: "After a vote has been ordered upon any question no delegate shall be permitted to explain his vote, without the unanimous consent of the Convention." The gentleman from Montgomery stated something with reference to a pair, without stating a pair with the gentleman from Mobile upon the pending question, and without obtaining the consent of the Convention. He stated that he would vote against the amendment, because he wanted the minority report or nothing, thereby explaining his vote to this Convention, by permission of the Chair, but without the consent of the Convention. I rose to the point of order, and I think the President of this Convention will sustain me, for all parliamentary law does, that a gentleman cannot pair with another gentleman unless the other gentleman would vote directly opposite from the way the gentleman himself would vote. I merely want to suggest, Mr. President, under the ruling of the President pro tem, the Convention was not very wise in passing these two rules. I just wanted to call attention to the matter.

Mr. Jones, of Montgomery, thereupon arose to a question of personal privilege, and stated his question of privilege as follows:

I rise to a question of personal privilege. The point made by the gentleman from Chambers arose in this way: I stated that I was paired with the gentleman from Mobile upon this question, and that I did not know how he would vote, and if he was present I would vote so and so. My friend from Chambers misapprehended the phase of the case in which the other matter came us. I then stated to the Chair that I did not know how the gentleman from Mobile would vote on that, but that I was paired with him on the general question, but if he was present I thought he would vote so and so,



and I would vote so and so. That is not an explanation of a vote.

#### UNFINISHED BUSINESS.

The Convention proceeded to the consideration of the unfinished business, which was the report of the Committee on Preamble and Declaration of Rights.

#### SECTION THIRTEEN.

13. That in all prosecutions for libel or for the publication of papers investigating the official conduct of officers of men in public capacity, or when the matter published is proper for public information, the truth thereof may be given in evidence; and that in all indictments for libel, the jury shall have the right to determine the law and the facts under the direction of the court.

Was read at length, and on motion of Mr. Lomax, was adopted.

#### SECTION FOURTEEN.

14. That all courts shall be open; and that every person, for any injury done him, in his lands, goods, person or reputation, shall have a remedy by due process of law; and right and justice shall be administered without sale, denial or delay.

Was read at length, and on motion of Mr. Lomax, was adopted.

#### SECTION FIFTEEN.

15. That the State of Alabama shall never be made a defendant in any court of law or equity.

Was read at length, and on motion of Mr. Lomax, was adopted.

#### SECTION SIXTEEN.

16. That excessive fines shall not be imposed nor cruel or unusual punishments inflicted.

Was read at length.

Mr. Pillans offered the following amendment to Section 16:

Amend Section 16 of the Declaration of Rights, Article I of the Constitution, by adding thereto the words following, to-wit: And that it shall not be lawful to use the lash upon or whip or flog any person held to labor under conviction for crime or misdemeanor in this State.

Mr. Lomax moved to table the amendment offered by Mr. Pillans.

The motion prevailed, and the amendment was laid upon the table.

Mr. Lomax moved that Section 16 be adopted.

The motion prevailed, and Section 16 was adopted.

#### SECTION SEVENTEEN.

17. That all persons shall, before conviction, be bailable by sufficient sureties, except for capital offenses, when the proof is evident or the presumption great; and that excessive bail shall not in any case be required.

Was read at length, and on motion of Mr. Lomax was adopted.

#### SECTION EIGHTEEN.

18. That the privilege of the writ of *habeas corpus* shall not be suspended by the authorities of this State.

Was read at length, and on motion of Mr. Lomax was adopted.

#### SECTION NINETEEN.

19. That treason against the State shall consist only in levying war against it, or adhering to its enemies, giving them aid and comfort; and that no person shall be convicted of treason except on the testimony of two witnesses to the same overt act, or his confession in open court.

Was read at length.

By unanimous consent Section 19 was amended as follows:

19. That treason against the State shall consist only in levying war against it, or adhering to its enemies, giving them aid and comfort; and that no person shall be convicted of treason, except on the testimony of two witnesses to the same overt act, or his own confession in open court.

On motion of Mr. Lomax, Section 19 was adopted as amended.

#### SECTION TWENTY.

20. That no person shall be attainted of treason by the General Assembly; and that no conviction shall work corruption of blood or forfeiture of estate.

Was read at length, and on motion of Mr. Lomax was adopted.

#### SECTION TWENTY-ONE.

21. That no person shall be imprisoned for debt.

Was read at length.

Mr. Oates offered the following amendment to Section 21:

Amend Section 21 by adding thereto the following words, to-wit: Except for wilful and flagrant fraud.

Mr. Carmichael, of Colbert, moved to table the amendment offered by Mr. Oates.

The motion prevailed, and the amendment was laid upon the table.

Upon motion of Mr. Samford, Section 21 was adopted.

#### SECTION TWENTY-TWO.

22. That no power of suspending laws shall be exercised except by the General Assembly.

Was read at length, and on motion of Mr. Samford was adopted.

## SECTION TWENTY-THREE.

23. That no *ex post facto* law, or any law, impairing the obligation of contracts, or making any irrevocable or exclusive grants of special privileges or immunities, shall be passed by the General Assembly; and every grant of a franchise, privilege or immunity, shall forever remain subject to revocation, alteration or amendment.

Was read at length, and on motion of Mr. Lomax was adopted.

## SECTION TWENTY-FOUR.

24. That the exercise of the right of eminent domain shall never be abridged nor so construed as to prevent the General Assembly from taking the property and franchises of incorporated companies and subjecting them to public use the same as individuals. But private property shall not be taken or applied for public use, unless just compensation be first made therefor; nor shall private property be taken for private use or for the use of corporations, other than municipal, without the consent of the owner; provided, however, that the General Assembly may, by law, secure the persons or corporations the right of way over the lands of other persons or corporations, and by general laws provide for and regulate the exercise by person and corporation of the rights herein reserved; but just compensation shall, in all cases, be first made to the owner; and, provided that the right of eminent domain shall not be so construed as to allow taxation or forced subscription for the benefit of railroads or any other kind of corporation, other than municipal, or for the benefit of any individual or association.

Was read at length and, on motion of Mr. Lomax, was adopted.

## SECTION TWENTY-FIVE.

25. That all navigable waters shall remain forever public highways, free to the citizens of the State, and

of the United States, without tax, impost or toll; and that no tax, toll, impost or wharfage shall be demanded or received for the owner of any merchandise or commodity for the use of the shores, or any wharf erected on the shores, or in or over the waters of any navigable stream, unless the same be expressly authorized by law.

Was read at length and, on motion of Mr. Lomax, was adopted.

#### SECTION TWENTY-SIX.

26. That the citizens have a right in a peaceable manner to assemble together for the common good, and to apply to those invested with the power of government for redress of grievances or other purposes, by petition, address or remonstrance.

Was read at length and, on motion of Mr. Lomax, was adopted.

#### SECTION TWENTY-SEVEN.

27. That every citizen has a right to bear arms in defense of himself and the State; and it shall be the duty of the General Assembly to define by law small arms, and regulate the bearing of the same.

Was read at length.

Mr. Reese offered the following amendment to Section 27:

Amend by striking out all of Section 27 after the word State in first line.

Mr. Greer, of Calhoun, moved to table the amendment offered by Mr. Reese.

The motion to table was lost.

The question recurred upon the amendment offered by Mr. Reese.

The amendment was adopted.

The Section 27, as amended was adopted.

#### SECTION TWENTY-EIGHT.

28. That no standing army shall be kept up without the consent of the General Assembly, and in that case, no appropriation for its support shall be made for a

longer term than one year; and the military shall, in all cases and at all times, be in strict subordination to the civil power.

Was read at length and, on motion of Mr. Lomax, was adopted.

#### SECTION TWENTY-NINE.

29. That no soldier shall, in time of peace, be quartered in any house without the consent of the owner, nor in time of war but in a manner to be prescribed by law.

Was read at length and, on motion of Mr. Lomax, was adopted.

#### SECTION THIRTY.

30. That no title of nobility or hereditary distinction, privilege, honor or emolument, shall ever be granted or conferred in this State; and that no office shall be created, the appointment to which shall be for a longer time than during good behavior.

Was read at length and, on motion of Mr. Lomax, was adopted.

#### SECTION THIRTY-ONE.

31. That immigration shall be encouraged; emigration shall not be prohibited, and that no citizen shall be exiled.

Was read at length.

Mr. Jones, of Montgomery, offered the following amendment:

Amend Section 31 by adding at the end thereof the following words: No well person shall be compelled to exile himself from the State to obtain refuge from disease, when the health authorities of any county are willing to allow him refuge in its borders.

Mr. Heflin, of Chambers, moved to table the amendment offered by Mr. Jones, of Montgomery.

The motion prevailed, and the amendment was laid upon the table.

Mr. Cunningham moved that Section 31 be adopted. The motion prevailed, and Section 31 was adopted.

#### SECTION THIRTY-TWO.

32. That temporary absence from the State shall not cause a forfeiture of residence once obtained.

Was read at length.

Mr. Sanford offered the following amendment to Section 32:

Amend Section 32 by inserting the words "or county."

Mr. Lomax moved to table the amendment offered by Mr. Sanford.

The motion prevailed, and the amendment was laid on the table.

Mr. Lomax moved to adopt Section 32, and the motion prevailed, and the section was adopted.

#### SECTION THIRTY-THREE.

33. That no form of slavery shall exist in this State; and there shall not be any involuntary servitude, otherwise than for the punishment of crime, of which the party shall have been duly convicted.

Was read at length and, on motion of Mr. Lomax, was adopted.

#### SECTION THIRTY-FOUR.

34. The privilege of suffrage shall be protected by laws regulating elections, and prohibiting, under adequate penalties, all undue influences from power, bribery, tumult or other improper conduct.

Was read at length and, on motion of Mr. Heflin, of Chambers, the section was adopted.

#### SECTION THIRTY-FIVE.

35. Foreigners who are, or who may hereafter become bona fide residents of this State, shall enjoy the same

rights in respect to the possession, enjoyment and inheritance of property, as native born citizens.

Was read at length.

Mr. Sanford offered the following amendment to Section 35:

Amend Section 35 by inserting in its first line the word "naturalized" before the word "foreigner."

Mr. Boone moved to table the amendment offered by Mr. Sanford.

The motion prevailed, and the amendment was tabled.

Mr. Lomax moved to adopt Section 35.

The motion prevailed, and the section was adopted.

#### SECTION THIRTY-SIX.

36. That the sole object and only legitimate end of government is to protect the citizen in the enjoyment of life, liberty and property, and when the government assumes other functions, it is usurpation and oppression.

Was read at length and, on motion of Mr. Lomax, was adopted.

#### SECTION THIRTY-SEVEN.

37. That no restraint upon the privilege of suffrage on account of race, color or previous condition of servitude, shall be made by law.

Was read at length.

Mr. Pettus offered the following amendment:

Amend the report of the Committee on Preamble and Declaration of Rights by striking out Section 37 of the proposed ordinance.

The amendment was adopted, and Section 37 was stricken out.

#### SECTION THIRTY-EIGHT.

38. In the government of this State, except in the instances in this Constitution hereinafter expressly directed or permitted, the Legislative Department shall



never exercise the Executive or Judicial powers, or either of them; the Executive shall never exercise the Legislative and Judicial powers, or either of them; the Judicial shall never exercise the Legislative and Executive powers, or either of them; to the end that it may be a government of laws and not of men.

Was read at length and, on motion of Mr. Lomax, was adopted.

#### SECTION THIRTY-NINE.

39. That this enumeration of certain rights shall not impair or deny others retained by the people; and, to guard against any encroachments on the rights herein retained, we declare that everything in this Declaration of Rights is excepted out of the general powers of government, and shall forever remain inviolate.

Was read at length and, on motion of Mr. Lomax, was adopted.

Mr. Lomax moved that the Article on Preamble and Declaration of Rights be ordered engrossed, and that it be ordered to a third reading after engrossment.

The motion prevailed, and the article was ordered engrossed for a third reading.

#### ADJOURNMENT.

The hour of 6 o'clock p. m. having arrived, under the rules the Convention adjourned until to-morrow morning at 9:30 o'clock.

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#### FORTIETH DAY.

#### CONVENTION HALL.

Montgomery, Ala., Tuesday, July 9, 1901.

The Convention met pursuant to adjournment.

Prayer was offered by Rev. Mr. Dix of the city.

## ROLL CALL.

On a call of the roll of the Convention the following delegates answered to their names, which constituted a quorum :

Messrs. President,	Foshee,
Almon,	Foster,
Ashcraft,	Freeman,
Banks,	Gilmore,
Barefield,	Glover,
Beavers,	Graham (Montgomery),
Beddow,	Graham (Talladega),
Bethune,	Grayson,
Blackwell,	Greer (Calhoun),
Boone,	Greer (Perry),
Brooks,	Haley,
Browne,	Harrison,
Bulger,	Heflin (Chambers),
Burns,	Heflin (Randolph),
Byars,	Hinson,
Carmichael (Colbert),	Hodges,
Carnathon,	Hood,
Chapman,	Howell,
Cobb,	Howze,
Cofer,	Inge,
Coleman (Greene),	Jackson,
Cornwell,	Jenkins,
Craig,	Jones (Bibb),
Cunningham,	Jones (Hale),
Davis (DeKalb),	Jones (Montgomery),
Davis (Etowah),	Jones (Wilcox),
Dent,	Kirk,
deGraffenried,	Kirkland,
Duke,	Knight,
Eley,	Kyle,
Eyster,	Ledbetter,
Espy,	Leigh,
Ferguson,	Long (Butler),
Fitts,	Long (Walker),
Fletcher,	Lowe (Lawrence),

<b>Macdonald,</b>	<b>Samford,</b>
<b>McMillan (Wilcox),</b>	<b>Sanders,</b>
<b>Malone,</b>	<b>Sanford,</b>
<b>Martin,</b>	<b>Searcy,</b>
<b>Maxwell,</b>	<b>Selheimer,</b>
<b>Merrill,</b>	<b>Sentell,</b>
<b>Miller (Wilcox),</b>	<b>Sloan,</b>
<b>Murphree,</b>	<b>Smith (Mobile),</b>
<b>NeSmith,</b>	<b>Smith, Mac. A.</b>
<b>Norman,</b>	<b>Smith, Morgan M.,</b>
<b>Norwood,</b>	<b>Sollie,</b>
<b>Oates,</b>	<b>Sorrell,</b>
<b>O'Neal (Lauderdale),</b>	<b>Spears,</b>
<b>Palmer,</b>	<b>Spragins,</b>
<b>Parker (Cullman),</b>	<b>Stewart,</b>
<b>Parker (Elmore),</b>	<b>Thompson,</b>
<b>Pearce,</b>	<b>Vaughan,</b>
<b>Pettus,</b>	<b>Waddell,</b>
<b>Phillips,</b>	<b>Walker,</b>
<b>Pillans,</b>	<b>Watts,</b>
<b>Pitts,</b>	<b>Weatherly,</b>
<b>Porter,</b>	<b>White,</b>
<b>Reese.</b>	<b>Whiteside,</b>
<b>Renfro,</b>	<b>Willetts,</b>
<b>Reynolds (Chilton),</b>	<b>Williams (Barbour),</b>
<b>Reynolds (Henry),</b>	<b>Williams (Marengo).</b>
<b>Robinson,</b>	<b>Williams (Elmore),</b>
<b>Rogers (Lowndes),</b>	<b>Wilson (Clarke),</b>
<b>Rogers (Sumter),</b>	<b>Wilson (Washington)—128</b>

#### LEAVE OF ABSENCE

Was granted to Messrs. Henderson, Moody and Taylor for to-day; Hinson for to-day; Lomax for the week; Burnett for to-day.

#### REPORT OF THE COMMITTEE ON THE JOURNAL.

The chairman of the Committee on the Journal submitted the following report, which was concurred in:

The Committee on the Journal beg leave to report that they have examined the Journal for the thirty-ninth day of the Convention, and that the same is correct.

Respectfully submitted,

JOHN F. PROCTOR, *Chairman.*

#### RESOLUTIONS.

Mr. Williams, of Marengo, offered the following resolution, which was read at length, and the rules were suspended and the resolution was adopted:

Resolution 232, by Mr. Williams, of Marengo:

Whereas, This Convention is in session by virtue of an act of the last General Assembly commonly called and known as "the Harwood Bill," so called from the name of the author of the bill, the Hon. Bernard Harwood, the distinguished member of said Assembly from the county of Greene, and

Whereas, this member of the Assembly is at present in Montgomery;

Now, be it resolved, That the privileges of the floor of this Convention be and is extended to the Hon. Bernard Harwood of Greene.

#### ORDINANCES ON FIRST READING.

The following ordinances were introduced, severally read one time at length, and referred to appropriate committees as follows:

Ordinance 416, by Mr. Beddow:

To prohibit the hiring or leasing of convicts in this State.

The ordinance was referred to the Committee on Legislative Department.

#### STENOGRAPHIC REPORT.

Messrs. Sanford, Brooks and Weatherly called attention of the Convention to certain errors in the stenographic report of the proceedings of yesterday.

The report was ordered corrected.

SPECIAL ORDER.

The Convention proceeded to the consideration of the special order which was the report of the Committee on Local Legislation, and a supplementary report thereto by the Committee on Legislative Department.

Section 1 of the ordinance was read at length as follows:

ARTICLE —

LOCAL LEGISLATION.

Section 1. The General Assembly shall not pass a special, private or local law in any of the following cases:

First—Granting a divorce.

Second—Relieving any minor of the disabilities of non-age.

Third—Changing the name of any corporation, association or individual.

Fourth—Providing for the adoption or legitimizing of any child.

Fifth—Incorporating a town, city or village.

Sixth—Granting a charter to any corporation, association or individual.

Seventh—Establishing rules of descent or distribution.

Eighth—Regulating the time within which a civil or criminal action may be begun.

Ninth—Exempting any person, corporation, county, township, municipality or association from the operation of any general law.

Tenth—Providing for the sale of the property of any individual or estate.

Eleventh—Changing or locating a county seat.

Twelfth—Providing for a change of venue in any case.

Thirteenth—Regulating the rate of interest.

Fourteenth—Granting any exclusive or special privilege, immunity or franchise whatever.

Fifteenth—Fixing the punishment of crime or misdemeanors.

Sixteenth—Providing for or regulating either the assessment or collection of taxes.

Seventeenth—Giving effect to invalid will, deed or other instrument.

Eighteenth—Legalizing the invalid act of any officer.

Nineteenth—Authorizing any township, city, town or village to issue bonds or other securities.

Twentieth—Amending, confirming or extending the charter of any corporation or remitting the forfeiture thereof.

Twenty-first—Creating, extending or impairing any lien.

Twenty-second—Chartering or licensing any ferry, road or bridge.

Twenty-third—Regulating the jurisdiction and fees of Justices of the Peace, and fees of Constables.

Twenty-fourth—Establishing separate school districts.

Twenty-fifth—Establishing separate stock districts.

Twenty-sixth—Creating, increasing or decreasing fees, percentage or allowances of public officers. No special, private or local law, except a law fixing the time of holding courts, shall be enacted in any case, which is provided for, by a general law, or when the relief sought can be given by any court of this State, and the courts and not the General Assembly shall judge as to whether the matter of said law is provided for by a general law, and as to whether the relief sought can be given by any court; nor shall the General Assembly indirectly enact any such special, private or local law by the partial repeal of a general law. The General Assembly shall pass general laws for the cases enumerated in this section.

Mr. O'Neal, of Lauderdale, moved that Section 1 be considered by subdivisions.

The motion prevailed, and subdivision 1 was read at length, as follows, and adopted:

**Section 1.** The General Assembly shall not pass a special, private or local law in any of the following cases:

First—Granting a divorce.

Subdivisions 2 and 3 were read at length, and adopted as follows:

Second—Relieving any minor of the disabilities of non-age.

Third—Changing the name of any corporation, association or individual.

Subdivision 4 was read at length, as follows:

Fourth—Providing for the adoption or legitimizing of any child.

Mr. Ashcraft offered the following amendment to subdivision 4:

Amend subdivision 4 of Section 1 by striking out "legitimatizing" and inserting in lieu thereof "legitimation."

The amendment of Mr. Ashcraft was, on motion of Mr. Watts, laid upon the table.

Subdivisions 5, 6, and 7 were read at length as follows and adopted:

Fifth—Incorporating a town, city or village.

Sixth—Granting a charter to any corporation, association or individual.

Seventh—Establishing rules of descent or distribution.

Subdivision 8 was read at length as follows, and adopted:

Eighth—Regulating the time within which a civil or criminal action may be begun.

Subdivision 9 was read at length as follows:

Ninth—Exempting any person, corporation, county, township, municipality or association from the operation of any general law.

Mr. Cunningham offered the following amendment to subdivision 9:

Amend subdivision 9, Section 1, Article on Local Legislation: Add at the end of said subdivision the following words: Provided that this section shall not apply

to the regulation of the sale of spirituous, vinous or malt liquors.

Mr. Wilson, of Clarke, offered the following substitute for the amendment offered by Mr. Cunningham:

Strike out the word person and insert in lieu thereof the word "individual," and strike out the words "county, township and municipality" when they occur in the subdivision, and insert the word "private" before the word corporation.

Mr. Jones, of Montgomery, moved to table subdivision 9 and the pending amendments.

A division of the question was demanded.

On a division of the question the question recurred upon the motion to table the substitute offered by Mr. Wilson, of Clarke.

The motion to table was lost: Yeas, 48; nays, 76.

## YEAS.

Messrs. Bartlett,  
Blackwell,  
Byars,  
Case,  
Chapman,  
Cofer,  
Cornwell,  
Craig,  
Davis (Etowah),  
Duke,  
Espy,  
Foshee,  
Gilmore,  
Glover,  
Greer (Calhoun),  
Haley,  
Heflin (Randolph),  
Hinson,  
Howze,  
Inge,  
Jenkins,

Jones (Montgomery),  
Jones (Wilcox),  
Kirkland,  
Kyle,  
Long (Butler),  
Macdonald,  
Malone,  
Martin,  
Oates,  
O'Neal (Lauderdale),  
Phillips,  
Porter,  
Reynolds (Henry),  
Robinson,  
Rogers (Sumter),  
Sanders,  
Sanford,  
Sentell,  
Smith, Mac. A.,  
Smith, Morgan M.,  
Sollié,



Spears,  
Waddell,  
Walker,

Watts,  
Whiteside,  
Wilson (Washington)—48.

## NAYS.

Messrs. Ashcraft,  
Banks,  
Barefield,  
Beavers,  
Beddow,  
Bethune,  
Boone,  
Brooks,  
Browne,  
Bulger,  
Byars,  
Carmichael (Colbert),  
Carnathon,  
Cobb,  
Coleman (Greene),  
Cunningham,  
Davis (DeKalb),  
Dent,  
deGraffenried,  
Eley,  
Eyster,  
Ferguson,  
Fitts,  
Fletcher,  
Foster,  
Freeman,  
Grayson,  
Greer (Perry),  
Harrison,  
Heflin (Chambers),  
Hodges,  
Hood,  
Howell,  
Jackson,  
Jones (Bibb),

Jones (Hale),  
Kirk,  
Knight,  
Ledbetter,  
Leigh,  
Long (Walker),  
Lowe (Jefferson),  
Lowe (Lawrence),  
McMillan (Wilcox),  
Maxwell,  
Merrill,  
Miller (Wilcox),  
Murphree,  
NeSmith,  
Norman,  
Norwood,  
Palmer,  
Parker (Cullman),  
Parker (Elmore),  
Pearce,  
Pettus,  
Pillans,  
Pitts,  
Reese,  
Renfro,  
Reynolds (Chilton),  
Rogers (Lowndes),  
Samford,  
Searcy,  
Selheimer,  
Sloan,  
Smith (Mobile),  
Sorrell,  
Spragins,  
Stewart,

Thompson,  
Vaughan,  
Weatherly,

Williams (Barbour),  
Williams (Marengo),  
Wilson (Clarke)—76.

On motion of Mr. O'Neal, of Lauderdale, Mr. Jones, of Montgomery, was allowed to withdraw his motion to table subdivision 9 and pending amendments.

Mr. Wilson, of Clarke, thereupon moved that subdivision 9, as amended, be adopted.

The motion prevailed, and subdivision 9, as amended, was adopted.

Subdivision 10 was read at length and adopted.

Tenth—Providing for the sale of the property of any individual or estate.

Subdivision 11 was read at length, as follows:

Eeventh—Changing or locating a county seat.

Mr. Pillans offered the following amendment to subdivision 11:

Amend Section 1 of Article on Local Legislation: Strike out subdivision 11.

On motion of Mr. deGraffenried the amendment was laid upon the table.

Mr. Barefield offered the following amendment to subdivision 11:

Amend subdivision 11 by striking out the word "seat" and add the word "site."

Upon moton of Mr. Watts the amendment was laid upon the table.

Mr. Cobb moved that the further consideration of subdivision 11 be postponed until the report of State and County Boundaries was taken up for consideration.

#### RECESS.

Pending the further consideration of the report of the Committee on Local Legislation, the hour of 1 o'clock having arrived, the Convention took a recess until 3:30 p. m.

## EVENING SESSION.

The Convention met pursuant to adjournment.

## ROLL CALL.

On a call of the roll of the Convention the following delegates answered to their names, which constitute a quorum :

Messrs. President,	Espy,
Almon,	Fletcher,
Ashcraft,	Foshee,
Banks,	Foster,
Barefield,	Freeman,
Bartlett,	Gilmore,
Beavers,	Glover,
Beddow,	Graham (Montgomery),
Bethune,	Graham (Talladega),
Blackwell,	Grant,
Boone,	Greer (Calhoun),
Brooks,	Greer (Perry),
Browne,	Haley,
Bulger,	Harrison,
Burns,	Heflin (Chambers),
Byars,	Heflin (Randolph),
Carmichael (Colbert),	Hinson,
Carnathan,	Hodges,
Case,	Hood,
Chapman,	Howell,
Cobb,	Howze,
Cofer,	Inge,
Coleman (Greene),	Jackson,
Coleman (Walker),	Jenkins,
Craig,	Jones (Bibb),
Cunningham,	Jones (Hale),
Davis (DeKalb),	Jones (Montgomery),
Dent,	Jones (Wilcox),
deGraffenried,	Kirk,
Duke,	Kirkland,
Eley,	Knight,
Eyster,	Kyle,

Ledbetter,  
 Leigh,  
 Long (Butler),  
 Long (Walker),  
 Lowe (Lawrence),  
 Macdonald,  
 McMillan (Wilcox),  
 Malone,  
 Martin,  
 Maxwell,  
 Merrill,  
 Miller (Wilcox),  
 Murphree,  
 NeSmith,  
 Norman,  
 Norwood,  
 Oates,  
 O'Neal (Lauderdale),  
 Palmer,  
 Parker (Cullman),  
 Parker (Elmore),  
 Pearce,  
 Pettus,  
 Phillips,  
 Pillans,  
 Pitts,  
 Porter,  
 Reo,  
 Renfro,

Reynolds (Henry),  
 Robinson,  
 Rogers (Lowndes),  
 Rogers (Sumter),  
 Samford,  
 Sanders,  
 Sanford,  
 Searcy,  
 Selheimer,  
 Sentell,  
 Sloan,  
 Smith (Mobile),  
 Smith, Mac. A.  
 Smith, Morgan M.,  
 Sorrell,  
 Spears,  
 Spragins,  
 Stewart,  
 Thompson,  
 Walker,  
 Watts,  
 Weatherly,  
 White,  
 Whiteside,  
 Williams (Barbour),  
 Williams (Marengo),  
 Williams (Elmore),  
 Wilson (Clarke),  
 Wilson (Washington)—122

Resolution 233, by Mr. Long, of Walker:

Resolved, That in order to save some of the precious time of this Convention and at the same time afford opportunity to the parliamentary tacticians of the Convention to display their talents with typewritten speeches, Monday in each week without pay to speakers be and is hereby set apart and consecrated to the exclusive use of said parliamentary tactician.

Resolved further, That on said day all delegates except the tacticians be and they are hereby excused from

attendance; and that no deduction from their pay shall be made on account of their absence.

Resolved further, That the day set apart to the tacticians shall not be deducted from the total number of working days, for adopting ordinances and other incidental business of the Convention.

The resolution was referred to the Committee on Rules.

#### UNFINISHED BUSINESS.

The Convention proceeded to the consideration of the unfinished business, which was the report of the Committee on Local Legislation.

The question was upon the motion of Mr. Cobb to postpone the consideration of subdivision 11.

By unanimous consent the motion of Mr. Cobb was withdrawn.

Mr. Jenkins offered the following amendment to subdivision 11:

Amend subdivision 11 by adding the following: Except upon a two-thirds vote of the people of the county to be affected.

On motion of Mr. Davis, of DeKalb, the amendment was laid upon the table.

Subdivisions 12 and 13 were read at length as follows and adopted:

Twelfth—Providing for a change of venue in any case.

Thirteenth—Regulating the rate of interest.

Subdivision 14 was read at length as follows:

Fourteenth—Granting any exclusive or special privilege, immunity or franchise whatever.

Mr. Ashcraft offered the following amendment to subdivision 14:

Amend paragraph 14 by inserting after the word "granting" the following words: "To any individuals, private corporation or association."

Mr. Cunningham offered the following substitute for the amendment of Mr. Ashcraft:

Amend subdivision 14, Section 1 by adding after the word "whatever:" "Provided that the provisions of this subdivision shall not apply to any county, township, municipality or benevolent association."

Mr. O'Neal, of Lauderdale, moved to table the substitute and amendment.

The motion prevailed, and the substitute and amendment were laid on the table.

Mr. deGraffenried moved to table subdivision 14.

The motion was lost: Yeas, 43, nays, 73.

## YEAS.

Messrs. Ashcraft,	Kyle,
<b>Banks,</b>	<b>Ledbetter,</b>
Beavers,	Long (Walker),
Bethune,	McMillan (Wilcox),
Blackwell,	Malone,
<b>Boone,</b>	Merrill,
Brooks,	Murphree,
Carmichael (Colbert),	Norman,
Cunningham,	Norwood,
Dent,	Parker (Elmore),
deGraffenried,	Pearce,
<b>Duke,</b>	Pillans,
Eley,	Robinson,
Eyster,	Rogers (Lowndes),
Foshee,	Rogers (Sumter),
Graham (Talladega).	Samford,
Greer (Perry),	Smith (Mobile),
<b>Heflin (Randolph),</b>	Smith, Morgan M.,
Hodges,	Stewart,
Jones (Wilcox),	Thompson,
Kirkland,	Wilson (Clarke),
<b>Knight,</b>	Winn—43.

## NAYS.

Messrs. President,	Bartlett,
Almon,	Beddow,
Barefield,	Browne,

Bulger,	Lowe (Jefferson),
Byars,	Lowe (Lawrence),
Carnathon,	Macdonald,
Chapman,	Martin,
Cobb,	Maxwell,
Cofer,	Oates,
Cornwell,	O'Neal (Lauderdale),
Craig,	O'Rear,
Davis (DeKalb),	Palmer,
Davis (Etowah),	Parker (Cullman),
Espy,	Pettus,
Fletcher,	Pitts,
Foster,	Porter,
Freeman,	Renfro,
Glover,	Reynolds (Henry),
Graham (Montgomery),	Sanders,
Grant,	Sanford,
Greer (Calhoun),	Searcy,
Haley,	Selheimer,
Harrison,	Sentell,
Heflin (Chambers),	Sloan,
Hinson,	Smith, Mac. A.,
Hood,	Spears,
Howell,	Spragins,
Howze,	Vaughan,
Inge,	Waddell,
Jackson,	Walker,
Jenkins,	Watts,
Jones (Bibb),	Weatherly,
Jones (Hale),	White,
Jones (Montgomery),	Whiteside,
Leigh,	Williams (Barbour),
Long (Butler),	Williams (Elmore)—73.

Mr. Samford offered the following amendment to subdivision 14:

Amend by adding after the word "whatever" the following: "Provided, however, the Legislature shall not be prohibited from authorizing any municipality or county from conducting a dispensary."

Mr. Boone offered the following amendment to the amendment of Mr. Samford for subdivision 14:

To amend the amendment by adding the following words: "Nor to abrogate any special privilege now existing in any county, city or town by charter or statute."

On motion of Mr. Pettus the amendment of Mr. Boone was laid upon the table.

Mr. Watts moved to table the amendment of Mr. Samford.

The motion prevailed, and the amendment was laid upon the table.

Mr. O'Neal moved to adopt subdivision 14.

The motion was put, and subdivision 14 was lost:  
Yeas, 54; nays, 64.

## YEAS.

Messrs. Almon,  
Barefield,  
Bartlett,  
Browne,  
Byars,  
Carnathon,  
Chapman,  
Cofer,  
Cornwell,  
Craig,  
Davis (DeKalb),  
Davis (Etowah),  
Fletcher,  
Glover,  
Graham (Montgomery),  
Grant,  
Grayson,  
Greer (Calhoun),  
Haley,  
Harrison,  
Hinson,  
Hood,  
Inge,  
Jackson,

Jenkins,  
Jones (Bibb),  
Jones (Hale),  
Kyle,  
Leigh,  
Long (Butler),  
Long (Walker),  
Lowe (Lawrence),  
Macdonald,  
Miller (Wilcox),  
Oates,  
O'Neal (Lauderdale),  
Palmer,  
Phillips,  
Porter,  
Renfro,  
Reynolds (Henry),  
Robinson,  
Sanders,  
Sanford,  
Searcy,  
Selheimer,  
Sloan,  
Smith, Mac. A.



Spragins,  
Waddell,  
Walker,

Watts,  
Whiteside,  
Williams (Marengo)—54.

## NAYS.

Messrs. President,  
Ashcraft,  
Banks,  
Beavers,  
Beddow,  
Bethune,  
Blackwell,  
Boone,  
Brooks,  
Bulger,  
Burns,  
Carmichael (Colbert),  
Case,  
Cobb,  
Coleman (Greene),  
Cunningham,  
Dent,  
deGraffenried,  
Duke,  
Eley,  
Eyster,  
Espy,  
Fitts,  
Foshee,  
Graham (Talladega),  
Greer (Perry),  
Heflin (Chambers),  
Howell,  
Howze,  
Jones (Montgomery),  
Jones (Wilcox),  
Kirk,

Kirkland,  
Knight,  
Ledbetter,  
Lowe (Jefferson),  
McMillan (Wilcox),  
Malone,  
Martin,  
Maxwell,  
Merrill,  
Murphree,  
Norman,  
Norwood,  
Parker (Cullman),  
Parker (Elmore),  
Pearce,  
Pettus,  
Pillans,  
Pitts,  
Reese,  
Rogers (Lowndes),  
Rogers (Sumter),  
Samford,  
Sentell,  
Smith (Mobile),  
Smith, Morgan M.,  
Stewart,  
Thompson,  
Vaughan,  
White,  
Williams (Barbour),  
Williams (Elmore),  
Winn—64.

Subdivision 15 was read at length as follows:

Fifteenth—Fixing the punishment of crime or misdemeanors.

Mr. Walker offered the following amendment, which was adopted:

Amend by striking out the words "or misdemeanors."

Mr. Carmichael, of Colbert, moved to strike out subdivision 15 and pending amendments.

The motion was lost.

Mr. O'Neal, of Lauderdale, moved to adopt subdivision 15 as amended.

The motion prevailed, and subdivision 15, as amended, was adopted.

Subdivision 16 was read at length as follows:

Sixteenth—Providing for or regulating either the assessment or collection of taxes.

Mr. Smith, of Mobile, moved the following amendment:

Amend subdivision 16 of Section 1 of the report of the Committee on Local Legislation (1) by substituting a comma at the end of the subdivision for the semicolon now there; (2) by adding at the end of the subdivision the following, viz: Except in connection with the readjustment, removal or extension of municipal indebtedness prior to the adoption of the Constitution of 1875."

Mr. Foster offered the following amendment to the amendment of Mr. Smith, of Mobile, which was adopted:

Amend by striking out the words "providing for or."

Mr. Kirk moved to table subdivision 16 and pending amendments.

The motion was lost.

The question recurred upon the adoption of the amendment as amended offered by Mr. Smith, of Mobile.

The amendment, as amended, was adopted, and subdivision 16, as amended, was adopted.

Subdivision 17 was read at length as follows:

Seventeenth—Giving effect to invalid will, deed or other instrument.

By unanimous consent subdivison 17 was amended by inserting the word "an" after the word "to" and before the word "invalid."

Subdivision 17, as amended, was adopted.

Subdivision 18 was read at length as follows:

Eighteenth—Legalizing the invalid act of any officer.

Mr. Jones, of Montgomery, offered the following amendment:

Amend Section 1 by striking out the eighteenth subdivision.

The amendment was adopted, and subdivision 18 was stricken out.

Subdivision 19 was read at length as follows:

Nineteenth—Authorizing any township, city, town or village to issue bonds or other securities.

Mr. Smith, of Mobile, offered the following amendment:

Amend subdivision 19 of Section 1 of the report of the Committee on Local Legislation by adding at the end of the subdivision the following, viz:

Except in connection with the readjustment, removal or extension of existing municipal indebtedness created prior to the adoption of the Constitution of 1875.

#### ADJOURNMENT.

Pending the further consideration of the report of the Committee on Local Legislation, the hour of 6 o'clock p. m. having arrived, under the rules the Convention adjourned until to-morrow morning at 9:30.

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#### FORTY-FIRST DAY.

#### CONVENTION HALL.

Montgomery, Ala., Wednesday, July 10, 1901.

The Convention met pursuant to adjournment.  
Prayer was offered by Rev. Mr. Dix of the city.

## ROLL CALL.

On a call of the roll of the Convention the following delegates answered to their names, which constituted a quorum :

Messrs. President,	Fletcher,
Almon,	Foshee,
Ashcraft,	Foster,
Banks,	Freeman,
Barefield,	Gilmore,
Beavers,	Glover,
Beddow,	Graham (Montgomery),
Bethune,	Graham (Talladega),
Blackwell,	Grant,
Boone,	Grayson,
Brooks,	Haley,
Browne,	Harrison,
Bulger,	Heflin (Chambers),
Burns,	Heflin (Randolph),
Byars,	Henderson,
Cardon,	Hodges,
Carmichael (Colbert),	Hood,
Carnathon,	Howell,
Case,	Howze,
Chapman,	Inge,
Cobb,	Jackson,
Cofer,	Jones (Wilcox),
Coleman (Greene),	Kirk,
Coleman (Walker),	Kirkland,
Cornwell,	Knight,
Craig,	Kyle,
Cunningham,	Ledbetter,
Davis (DeKalb),	Leigh,
Davis (Etowah),	Lowe (Jefferson),
Dent,	Lowe (Lawrence),
Duke,	Macdonald,
Eley,	McMillan (Baldwin),
Eyster,	McMillan (Wilcox),
Espy,	Malone,
Ferguson,	Martin,
Fitts,	Maxwell,

Merrill,  
 Miller (Marengo),  
 Miller (Wilcox)  
 Moody,  
 Murphree,  
 NeSmith,  
 Norman,  
 Norwood,  
 Oates,  
 O'Neal (Lauderdale),  
 O'Neill (Jefferson),  
 Palmer,  
 Parker (Cullman),  
 Parker (Elmore),  
 Pearce,  
 Pettus,  
 Phillips,  
 Pillans,  
 Pitts,  
 Porter,  
 Proctor,  
 Reese,  
 Renfro,  
 Reynolds (Henry),  
 Robinson,  
 Rogers (Lowndes),  
 Rogers (Sumter),  
 Samford,

Sanders,  
 Sanford,  
 Searcy,  
 Selheimer,  
 Sentell,  
 Sloan,  
 Smith (Mobile),  
 Smith, Mac. A.,  
 Smith, Morgan M.,  
 Spears,  
 Spragins,  
 Stewart,  
 Thompson,  
 Vaughan,  
 Waddell,  
 Walker,  
 Watts,  
 Weakley,  
 Weatherly,  
 White,  
 Whiteside,  
 Williams (Barbour),  
 Williams (Marengo)  
 Williams (Elmore),  
 Wilson (Clarke),  
 Wilson (Washington).  
 Winn—129.

#### LEAVE OF ABSENCE

Was granted to Mr. Jenkins for to-day and to-morrow; to Mr. Locklin indefinitely on account of sickness; to Messrs. Sollie and Tayloe for to-day, and to Mr. Weatherley for the afternoon session.

#### REPORT OF THE COMMITTEE ON THE JOURNAL.

The chairman of the Committee on the Journal submitted the following report, which was concurred in:

The Committee on the Journal beg leave to report that they have examined the Journal for the fortieth

day of the Convention, and that the same is correct.

Respectfully submitted,

JOHN F. PROCTOR, *Chairman.*

RESOLUTIONS ON FIRST READING.

The following resolutions were introduced, severally read one time at length, and referred to appropriate committees, as follows:

Resolution 234, by Mr. Graham, of Talladega:

Resolved, That beginning with next Monday at 8:30 this Convention shall hold evening sessions each day from 8:30 to 10 o'clock.

The resolution was referred to the Committee on Rules.

Resolution 235, by Mr. Burns:

Resolved, That the Committee on Fees, Printing, etc., report to this Convention what it cost per day to run the Convention, and recommend some reduction of expenses.

The resolution was referred to the Committee on Schedule, Printing and Incidental Expenses.

Resolution 236, by Mr. Kirk:

Relating to the powers of municipal corporations to create debts.

Whereas, Section 10 of the article on Taxation adopted by this Convention on Friday, the 5th day of July, 1901, providing a debt limit for municipal corporations, makes an innovation in the laws of this State as heretofore existed, under which many of the towns and cities have created obligations which exceed the debt limit; and

Whereas such towns and cities under the operation of Section 10 are prevented from creating any additional debt, and are unable to protect themselves from extortion in the matter of securing water, lights and sewerage, now, inasmuch as the cities of Sheffield and Tusculumbia have requested that they be allowed to pay off and adjust their obligation under the laws as they existed at the time their debts were created;

Therefore, be it resolved, That the cities of Sheffield and Tuscumbia be exempt from the operation of Section 10 of said Article on Taxation.

The resolution was referred to the Committee on Taxation.

Resolution 237, by Mr. deGraffenried:

Resolved, That after the present week this Convention shall dispense with all clerks of committees except the clerk of the Committee on Rules and a clerk for the Committee on the Order, Harmony and Consistency of the Whole Constitution.

Resolved further, That the clerks of the Committees on Rules and of the Order, Harmony and Consistency of the Whole Constitution shall serve the chairmen of the other committees when their services are required.

The resolution was referred to the Committee on Rules.

#### ORDINANCES ON FIRST READING.

The following ordinances were introduced, severally read one time at length, and referred to appropriate committees, as follows:

Ordinance 417, by Mr. Lowe, of Jefferson:

To amend Section 13 of an ordinance entitled "An ordinance to create and define the Executive Department."

The ordinance was referred to the Committee on Executive Department.

#### COMMITTEE GRANTED LEAVE TO SIT DURING SESSION.

On motion of Mr. Graham, of Talladega, the Committee on Education was granted leave to sit during the morning session of to-day.

#### RECONSIDERATION.

Mr. Williams, of Elmore, moved to reconsider the vote by which subdivision 14 was lost on yesterday.

The motion to reconsider was lost.

## REPORT OF THE COMMITTEE ON RULES.

Mr. Smith, of Mobile, acting chairman of the Committee on Rules, reported favorably the following resolutions, which were adopted:

Resolution 228, by Mr. White:

Resolved, That the President of this Convention appoint a committee of five, whose duty it shall be to see that all articles adopted by this Convention are properly engrossed; said committee to be known as the Committee on Engrossment.

Resolution 229, by Mr. White:

Resolved, That when any article has been adopted, 300 copies thereof shall be printed for the use of the members of this Convention.

Mr. Smith, of Mobile, acting chairman of the Committee on Rules, also reported the following resolution without recommendation:

Resolution 213, by Mr. Fletcher:

Whereas, This Convention was called chiefly to make a Constitution regulating suffrage and taxation; and

Whereas, More than one-half of the time allotted for its work by the enabling act has been consumed in the passage of one article; and

Whereas, Expedition is plainly essential to the carrying out of the purpose for which this Convention assembled, and to economize expenses to the State; and

Whereas, It is believed that the consideration and disposition of the Suffrage article as soon as possible will greatly facilitate and hasten to completion the business now before the Convention;

Therefore, be it resolved, That after the adoption of the article now being discussed, the article on Suffrage shall be taken up for consideration, and continued until finally disposed of;

Be it further resolved, That all articles heretofore made special orders shall be postponed and taken up in their regular order after the article on Suffrage shall have been adopted.

Mr. Coleman, of Greene, offered the following amendment to resolution 213:



Amend by setting report of Suffrage and Elections for a special order on next Tuesday immediately after reading of the Journal.

On motion of Mr. Pettus the resolution and amendment were laid upon the table.

#### STENOGRAPHIC REPORT.

Mr. Beddow called the attention of the Convention to certain errors in the stenographic report of the proceedings of yesterday.

The report was ordered corrected.

Mr. Coleman, of Greene, moved to set the report of the Committee on Suffrage and Elections for special order after the consideration of the reports now on the table.

On motion of Mr. Sanders the motion of Mr. Coleman of Greene was laid upon the table.

#### UNFINISHED BUSINESS.

The Convention proceeded to the consideration of the unfinished business, which was the report of the Committee on Local Legislation.

The question was upon the adoption of the amendment offered by Mr. Smith, of Mobile, to subdivision 19.

Mr. Eyster offered the following substitute for subdivision 19 and pending amendment:

Resolved, That subdivision 19 of Section 1 be stricken from said section.

On motion of Mr. Dent the amendment and substitute were laid upon the table.

Mr. O'Neal, of Lauderdale, offered the following amendment to subdivision 19, which was adopted:

Amend Section 1, subdivision 19, Article —, Local Legislation, by adding the word county before word township, and adding at end of said subdivision the following: Except in cases in which the issuance of said bonds or other securities has been authorized by a vote of the duly qualified electors of such county, township,

city, town or village, at an election held for such purpose in the manner that may be prescribed by law; provided the General Assembly may pass special laws to refund bonds issued before the date of the ratification of this Constitution.

On motion of Mr. O'Neal, of Lauderdale, subdivision 19, as amended, was adopted.

Subdivision 20 was read at length as follows:

Twentieth—Amending, confirming or extending the charter of any corporation or remitting the forfeiture thereof.

Mr. O'Neal, of Lauderdale, offered the following amendment to subdivision 20:

Amend subdivision 20 by inserting the words "private or municipal" between the words "any" and "corporation" in the first line.

The amendment was accepted, and subdivision 20, as amended, was adopted.

Subdivisions 21 and 22 were read at length as follows, and adopted:

Twenty-first—Creating, extending or impairing any lien.

Twenty-second—Chartering or licensing any ferry, road or bridge.

Subdivision 23 was read at length as follows:

Twenty-third—Regulating the jurisdiction and fees of Justices of the Peace, or the fees of Constables.

Mr. Long, of Walker, offered the following amendment to subdivision 23:

Amend subdivision 23 by striking out the words "jurisdiction or" in the twenty-eighth line.

Mr. Watts moved to strike out the word "and" and insert the word "or" after the word jurisdiction.

The motion prevailed.

Mr. NeSmith offered the following substitute for the amendment of Mr. Long, of Walker:

To amend subdivision 23 of Section 1 so as to make the same read as follows: 23. Regulating the jurisdiction of Justices of the Peace, except in precincts, in whole or in part, within towns of 2,500 inhabitants or

more; and regulating the fees of Justices of the Peace or the fees of Constables.

On motion of Mr. Watts the amendment and substitute were laid upon the table.

Mr. Williams, of Marengo, offered the following amendment to subdivision 23:

Amend by adding at end of subdivision 23 of Section 1 the following: Except said office of Justice of the Peace may be abolished in certain sections.

On motion of Mr. deGraffenried the amendment of Mr. Williams, of Marengo, was laid upon the table.

Mr. Jones, of Hale, offered the following amendment to subdivision 23:

Amend by striking out subdivision 23 of Section 1.

On motion of Mr. Waddell the amendment of Mr. Jones, of Bibb, was laid upon the table.

On motion of Mr. O'Neal, of Lauderdale, subdivision 23, as amended, was adopted.

Subdivision 24 was read at length as follows, and adopted:

Twenty-fourth—Establishing separate school districts.

Subdivision 25 was read at length as follows:

Twenty-fifth—Establishing separate stock districts.

Mr. Watts offered the following amendment to subdivision 25, which was read at length:

Amend subdivision 25 so as to read: Establishing districts in which stock shall or shall not run at large.

On motion of Mr. Grant the amendment of Mr. Watts was laid upon the table.

On motion of Mr. O'Neal, of Lauderdale, subdivision 25 was adopted.

Subdivision 26 was read at length as follows:

Twenty-sixth—Creating, increasing or decreasing fees, percentage or allowances of public officers. No special, private or local law, except a law fixing the time of holding courts, shall be enacted in any case, which is provided for, by a general law, or when the relief sought can be given by any court of this State, and the courts and not the General Assembly shall judge as to whether the matter of said law is provided for by

a general law, and as to whether the relief sought can be given by any court; nor shall the General Assembly indirectly enact any such special, private or local law by the partial repeal of a general law. The General Assembly shall pass general laws for the cases enumerated in this section.

On motion of Mr. Oates the supplementary report of the Committee on Legislative Department to the report of the Committee on Local Legislation was taken up and read as follows:

*Mr. President:*

Whereas, local legislative provisions have heretofore belonged to the Legislative Department of the Constitution; and

Whereas, one of the standing committees of this Convention was given jurisdiction of local legislation, which led to some confusion in the introduction and reference of ordinances upon that subject to each of said committees, and caused the Committee on Legislative Department to fully consider and draft a section, with numerous subdivisions, to report to the Convention for adoption, and

Whereas, the Committee on Local Legislation has made its report not embracing a number of matters which this committee maturely considered and desired shall be adopted;

Now, in pursuance to an understanding and agreement with the chairman of that committee, your Committee on the Legislative Department instruct me to report and recommend for adoption the following additional restrictions upon the power of the Legislature to enact local, special or private laws to come in after the words "public officers" in subdivision 26 of Section 1 of the article already reported by said committee, to-wit:

Twenty-seven—Exemption of property from taxation or from levy or sale.

Twenty-eighth—Exempting any person from jury, road or other civil duty.

Twenty-ninth—Laying out, opening, altering or working roads or highways.

Thirtieth—Providing for the management or support of any common or private school, incorporatin the same or granting such school any privileges.

Thirty-first—Granting any land owned by or under the control of the State, to any person or corporation.

Thirty-second—Remitting fines, penalties or forfeitures.

Thirty-third—Providing for the conduct of elections, or designating places of voting, or changing the boundaries of wards, precincts, or districts, except on the organization of new counties.

Thirty-fourth—Restoring the right to vote to persons convicted of infamous crimes or involving moral turpitude.

Thirty-fifth—Refunding money legally paid into the State Treasury.

Your committee do not concur in Section 5 of said article as reported by the Committee on Local Legislation, and recommends as a substitute therefor Section 25 of Article IV of the present Constitution.

Respectfully submitted,

WM. C. OATES, *Chairman.*

Mr. O'Neal, of Lauderdale, chairman of the Committee on Local Legislation, moved to accept the supplementary report of the Committee on Legislative Department, in so far as the same related to subdivisions 27 to 35 inclusive.

An objection was interposed, and the motion was withdrawn.

Mr. Weatherly moved to take up the supplementary report of the Committee on Legislative Department and consider same immediately and that the consideration of subdivision 26 be postponed.

The motion was lost.

Mr. deGraffenreid moved to recommit subdivision 26 to the Committee on Local Legislation.

On motion of Mr. O'Neal, of Lauderdale, the motion of Mr. deGraffenried was tabled.

Mr. Samford moved to table subdivision 26.

The motion was lost.

Mr. O'Neal asked unanimous consent to withdraw all of subdivision 26 except the following words:

Twenty-sixth—Creating, increasing or decreasing fees, percentage or allowances of public officers.

Consent was granted, and subdivision 26, as amended, by the motion of Mr. O'Neal, of Lauderdale, was read as follows and adopted:

Twenty-sixth—Creating, increasing or decreasing fees, percentage or allowances of public officers.

The supplementary report of the Committee on Legislative Department was thereupon taken up and subdivision 27 was read as follows:

Twenty-seventh—Exemption of property from taxation or from levy or sale.

Mr. Pillans offered the following amendment, which was accepted:

Amend by striking out "exemption of" and inserting "exempting."

Subdivision 27, as amended, was adopted as follows:

Twenty-seventh—Exempting property from taxation or from levy or sale.

Subdivision 28 was read at length as follows and adopted:

Twenty-eighth—Exempting any person from jury, road or other civil duty.

Subdivision 29 was read as follows:

Twenty-ninth—Laying out, altering or working roads or highways.

Mr. Weatherly moved to lay subdivision 29 on the table.

The motion was lost.

Mr. Dent offered the following amendment to subdivision 29, which was adopted:

Amend by striking out subdivision 29 of Article under consideration.

Subdivision 29 was stricken out.

Subdivision 30 was read at length as follows:

Thirtieth—Providing for the management or support of any common or private school, incorporating the same or granting such school any privileges.

Mr. Merrill offered the following amendment to subdivision 30:

Amend subdivision 30 by adding at the end thereof "not now provided for by law."

On motion of Mr. White, subdivision 30 and pending amendments were laid upon the table.

Subdivision 31 was read at length as follows:

Thirty-first—Granting any land owned by or under the control of the State, to any person or corporation.

Mr. Oates asked unanimous consent that the word "grant" be stricken out and the word "donating" inserted in lieu thereof.

Consent was granted.

Mr. Burns offered the following amendment to subdivision 31:

Add to 31: Except the biennial grants of State lands to Emma Sanson Johnson, the heroine of Black Creek.

On motion of Mr. Heflin, of Chambers, the amendment offered by Mr. Burns was laid upon the table.

Mr. Oates moved that subdivision 31, as amended, be adopted.

The motion prevailed, and subdivision 31, as amended, was adopted.

#### RECESS.

Pending the further consideration of the report of the Committee on Local Legislation, the hour of 1 o'clock p. m. arrived, under the rules the Convention adjourned until 3:30 p. m.

#### AFTERNOON SESSION.

The Convention met pursuant to adjournment.

#### ROLL CALL.

On a call of the roll of the Convention the following delegates answered to their names, which constituted a quorum:

Messrs. President,  
 Almon,  
 Ashcraft,  
 Banks,  
 Barefield,  
 Bartlett,  
 Beavers,  
 Beddow,  
 Bethune,  
 Blackwell,  
 Boone,  
 Brooks,  
 Browne,  
 Bulger,  
 Burns,  
 Byars,  
 Carmichael (Colbert),  
 Carnathon,  
 Case,  
 Cobb,  
 Cofer,  
 Coleman (Greene),  
 Cornwell,  
 Craig,  
 Cunningham,  
 Davis (DeKalb),  
 Davis (Etowah),  
 Dent,  
 deGraffenried,  
 Eley,  
 Eyster,  
 Espy,  
 Fletcher,  
 Foshee,  
 Foster,  
 Freeman,  
 Gilmore,  
 Glover,  
 Graham (Montgomery),  
 Graham (Talladega),  
 Greer (Calhoun),

Haley,  
 Handley,  
 Harrison,  
 Heflin (Chambers),  
 Heflin (Randolph),  
 Henderson,  
 Hinson,  
 Hood,  
 Howell,  
 Howze,  
 Inge,  
 Jackson.  
 Jones (Bibb),  
 Jones (Hale),  
 Jones (Montgomery),  
 Jones (Wilcox),  
 Kirk,  
 Kirkland,  
 Knight,  
 Kyle,  
 Ledbetter,  
 Leigh,  
 Lowe (Jefferson),  
 Lowe (Lawrence),  
 Macdonald,  
 McMillan (Baldwin),  
 McMillan (Wilcox),  
 Malone,  
 Martin,  
 Maxwell,  
 Merrill,  
 Miller (Marengo),  
 Miller (Wilcox),  
 Moody,  
 Murphree,  
 NeSmith,  
 Norman,  
 Norwood,  
 Oates,  
 O'Neal (Lauderdale),  
 O'Neill (Jefferson),



<b>Opp,</b>	<b>Sentell,</b>
<b>Palmer,</b>	<b>Sloan,</b>
<b>Parker (Cullman),</b>	<b>Smith (Mobile),</b>
<b>Pearce,</b>	<b>Smith, Mac. A.,</b>
<b>Pettus,</b>	<b>Smith, Morgan M.,</b>
<b>Phillips,</b>	<b>Spragins,</b>
<b>Pillans;</b>	<b>Stewart,</b>
<b>Pitts,</b>	<b>Thompson,</b>
<b>Porter,</b>	<b>Vaughan,</b>
<b>Procter,</b>	<b>Waddell,</b>
<b>Reese,</b>	<b>Walker,</b>
<b>Renfro,</b>	<b>Watts,</b>
<b>Robinson,</b>	<b>Weakley,</b>
<b>Rogers (Lowndes),</b>	<b>White,</b>
<b>Rogers (Sumter),</b>	<b>Whiteside,</b>
<b>Samford,</b>	<b>Williams (Barbour),</b>
<b>Sanders,</b>	<b>Wilson (Clarke),</b>
<b>Sanford,</b>	<b>Wilson (Washington),</b>
<b>Searcy,</b>	<b>Winn—121.</b>
<b>Selheimer,</b>	

#### REPORT OF STANDING COMMITTEES.

Mr. Heflin, of Randolph, chairman of the Committee on Schedules, Printing and Incidental Expenses, submitted the following report, which was laid upon the table and 300 copies ordered printed:

#### SCHEDULE, PRINTING AND INCIDENTAL EXPENSES.

*Mr. President:*

The Committee on Schedule, Printing and Incidental Expenses have instructed me to make the following partial report, viz:

The committee has audited the accounts hereto attached and find that the State of Alabama is indebted to the Brown Printing Co. of Montgomery, Ala., in the sum of \$176.90 for printing.

We find that the said State is indebted to J. W. Terry of Montgomery, Ala., for the use of typewriter from May 24th to June 24th, in the sum of \$5.

We find that the said State is indebted to Ed. C. Fowler Co., of Montgomery, Ala., in the sum of \$8.60.

We find that the said State is indebted to J. W. Terry of Montgomery, Ala., in the sum of \$16 for services rendered Rules Committees up to May 27, 1901.

We find that said State is indebted to W. W. Haygood of Montgomery, Ala., in the sum of \$1.25.

We find that said State is indebted to Miss Eunice Richards for typewriting done for Committee on Preamble and Declaration of Rights, in the sum of \$7.50.

We find that said State is indebted to Marshall & Bruce Co., of Nashville, Tenn., in the sum of \$48.25.

We find that said State is indebted to Ed C. Fowler Co. of Montgomery, Ala., in the sum of \$4.75.

We find that said State is indebted to Jos. E. Longstreet in the sum of \$8 for services rendered to the Committee on Suffrage and Elections, in making 54 copies of the report of said committee.

We find that said State is indebted to Miss Georgia Connelly in the sum of \$6 for stenographic work done for Committee on Suffrage and Elections.

All of the above amounts are for printing done, for articles furnished State of Alabama for use of Constitutional Convention, and for services rendered to committees of said Convention, and all of the above amounts are itemized, as shown by bills hereto attached. Total amount \$282.25, and we recommend the payment of the same, all of which is respectfully submitted.

JOHN T. HEFLIN,

Chairman Committee on Schedule, Printing and Incidental Expenses.

Mr. Proctor, chairman of the Committee on the Journal, reported favorably the following ordinance, which was laid upon the table, and 300 copies ordered printed:

Ordinance 409, by Mr. Carmichael, of Colbert:

To provide for the filing and arranging of the papers and documents pertaining to the Constitutional Convention by the secretary of the Convention; also to provide for the delivery by the secretary of a correct copy

of the Journal of the Convention to the public printer, with a proper index thereto; also to provide for the superintendence of the printing of said Journal by the secretary; also to make appropriations for the compensation of said secretary for his services.

Be it ordained by the people of Alabama, in Convention assembled, That the Secretary of this Convention shall, within forty days after its adjournment, file, label and arrange the Journal of said Convention and all the papers and documents pertaining to said Convention, in the office of the Secretary of State. He shall also copy and deliver to the public printer the Journal of said Convention, with a proper index thereto within said forty days. He shall also superintend the printing, and read and correct the proof of said Journal.

Be it further resolved, that for the services herein required of said Secretary he shall receive the sum of \$500, and upon the production by the said Secretary of the receipt of the Secretary of State for such papers, Journal and documents so required to be filed and libeled, together with the receipt of the public printer for a copy of the Journal of the Convention, the State Auditor shall draw his warrant upon the State Treasury for said amount herein provided, and the said warrant shall be paid by the State Treasurer.

Be it further resolved, That there is hereby appropriated out of any money in the State Treasury not otherwise appropriated the sum of \$500 for the compensation of the said Secretary for the said services herein required of him.

#### UNFINISHED BUSINESS.

The Convention proceeded to the consideration of the unfinished business, which was the report of the Committee on Local Legislation.

The question was upon subdivision 32 of the supplementary report of the Committee on Legislative Department to the report of the Committee on Local Legislation.

Subdivision 32 was read at length as follows, and adopted:

Thirty-second—Remitting fines, penalties or forfeitures.

Subdivision 33 was read at length as follows:

Thirty-third—Providing for the conduct of elections, or designating places of voting, or changing the boundaries of wards, precincts, or districts, except on the organization of new counties.

Mr. Thompson offered the following amendment to subdivision 33:

Amend subdivision 33 by striking out the word “providing for the conduct of electors or” in the first line.

The amendment of Mr. Thompson was lost.

Mr. Parker, of Cullman, offered the following amendment to subdivision 33, which was adopted:

Amend subdivision 33 by adding to the same the words “and changing the lines of old counties.”

On motion of Mr. Oates subdivision 33, as amended, was adopted.

#### RECONSIDERATION.

Mr. Cobb moved to reconsider the vote by which subdivision 33 was adopted.

The motion of Mr. Cobb, under the rules, goes over until to-morrow.

Subdivision 34 was read at length as follows:

Thirty-fourth—Restoring the right to vote to persons convicted of infamous crimes or involving moral turpitude.

Mr. Watts offered the following amendment to subdivision 34, which was adopted.

Amend subdivision 34 by inserting “crimes” between “or” and “involving.”

Subdivision 34, as amended, was adopted.

Subdivision 35 was read at length as follows:

Thirty-fifth—Refunding money legally paid into the State Treasury.

Subdivision 35 was, on motion of Mr. Vaughan, laid upon the table.

Mr. Blackwell offered the following amendment to constitute a new subdivision to Section 1:

Amend Section 1 of report of Committee on Local Legislation, after line 14, subdivision 35: "Declaring who shall be liners between counties."

On motion of Mr. Eyster the amendment was adopted.

Mr. Davis, of Etowah, offered the following amendment, to constitute a new subdivision of Section 1:

Amend Section 1 by adding after subdivision 36:

"Thirty-seventh—Regulating the catching or hunting of game."

On motion of Mr. deGraffenried, the amendment was laid upon the table.

On motion of Mr. O'Neal, of Lauderdale, the latter part of subdivision 26, which will constitute the latter paragraph of Section 1, which was temporarily passed this morning, was taken up and read at length as follows:

No special, private or local law, except a law fixing the time of holding courts, shall be enacted in any case, which is provided for by general law, or when the relief sought can be given by any court of this State, and the courts and not the General Assembly shall judge as to whether the matter of said law is provided for by a general law and as to whether the relief sought can be given by any court; nor shall the General Assembly indirectly enact any such special, private or local law by the partial repeal of a general law. The General Assembly shall pass general laws for the cases enumerated in this section.

Mr. Pettus offered the following amendment, which reads as follows:

Amend article on Local Legislation by striking from the proposed ordinance the word "and the courts and not the General Assembly shall judge as to whether the matter of said law is provided for by a general law, and as to whether the relief sought can be given by any court," in lines 35, 36 and 37 of subdivision 26 of Section 1, page 5, of the proposed article.

Mr. Oates offered the following amendment to the amendment offered by Mr. Pettus:

Amend subdivision 26 of Section 1 by striking out all that portion of said subdivision after the word "State" in line 35, down to and including the word "court" in line 37, and insert in lieu thereof the following:

Sec. — There shall be appointed in each House of the Legislature a standing committee on Local and Private Legislation; the House committee to consist of nine Representatives; and the Senate committee of five Senators. No local or private bill shall be passed by either House until it shall have been referred to such committee thereof, and shall have been reported back with recommendation in writing that it do pass, stating the reasons therefor, and why the end to be accomplished could not be reached by a general law, or by proceeding in court, or if the recommendation of the committees be that the bill do not pass, then it shall not pass the House to which it is so reported, unless it be voted for by a majority of all the members elected thereto.

The amendment of Mr. Oates was lost.

The question recurred upon the adoption of the adoption of the amendment by Mr. Pettus.

The amendment of Mr. Pettus was lost.

Mr. Watts moved to adopt the latter part of the subdivision 26, which will constitute the latter paragraph of Section 1.

The motion prevailed and the latter part of subdivision 26, which constitutes the latter part of Section 1, was adopted.

#### RECONSIDERATION.

Mr. Malone gave notice that on to-morrow he would move to reconsider the vote by which the latter part of subdivision 26 was adopted.

#### SECTION TWO.

Sec. 2. No special, private or local law shall be passed on any subject not enumerated in Section 1 of this article, except in reference to fixing the time of holding courts, unless notice of the intention to apply

therefor shall have been published, without cost to the State, in the county or counties where the matter or thing to be affected may be situated, which notice shall state the substance of the proposed law, and be published at least once a week for four consecutive weeks in some newspaper, or if there is no newspaper published in the county, by posting the said notice for four consecutive week as five different public places in the county or counties, prior to the introduction to the bill; and the evidence that said notice has been given shall be exhibited to each House of the General Assembly, and the fact of said notice spread upon the Journal. The courts shall pronounce void every local law whith the Journals do not affirmatively show was passed in accordance with the provisions of this Section.

Was read at length.

Mr. Samford moved the adoption of Section 2.

The motion prevailed, and Section 2 was adopted.

### SECTION THREE.

Sec. 3. The General Assembly may repeal any special, private or local law upon notice being given and shown, as provided in the last preceding section.

Was read at length.

Mr. Sanders offered the following amendment to Section 3:

Amend Section 3 by adding after the word "repeal, in the first line thereof the following words: "Or modify by a special, private or local law."

The amendment was adopted, and Section 3, as amended, was adopted.

### SECTION FOUR.

Sec. 4. The operation of no general law shall be suspended for the benefit of any individual, corporation, association, town, city, county or township, nor shall any individual, corporation, association, town, city, county or township be exempted from the operation of any general law.

Was read at length.

Mr. Sanders offered the following amendment to Section 4:

Amend Section 4 by adding thereto the following words: Provided, that nothing in this section or article shall affect the right of the Legislature to enact local laws regulating or prohibiting the liquor traffic.

#### ADJOURNMENT.

Pending the further consideration of the report of the Committee on Local Legislation, the hour of 6 o'clock p. m. having arrived, under the rules, the Convention adjourned until to-morrow morning at 9:30.

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#### FORTY-SECOND DAY.

#### CONVENTION HALL.

Montgomery, Ala., Thursday, July 11, 1901.

The Convention met pursuant to adjournment.  
Prayer was offered by Rev. Mr. Dix of the city.

#### ROLL CALL.

On a call of the roll of the Convention the following delegates answered to their names, which constituted a quorum:

Messrs. President,	Blackwell,
Almon,	Boone,
Ashcraft,	Brooks,
Banks,	Browne,
Barefield,	Bulger,
Bartlett.	Burnett,
Beavers,	Burns,
Beddow,	Bvars,
Bethune,	Cardon,



Carmichael (Colbert),  
Carmichael (Coffee),  
Carnathon,  
Case,  
Cobb,  
Cofer,  
Coleman (Walker),  
Cornwell,  
Craig,  
Cunningham,  
Davis (DeKalb),  
Davis (Etowah),  
Dent,  
deGraffenried,  
Duke,  
Eley,  
Eyster,  
Espy,  
Ferguson,  
Fitts,  
Fletcher,  
Foshee,  
Foster,  
Freeman,  
Gilmore,  
Glover,  
Graham (Montgomery),  
Graham (Talladega),  
Grant,  
Grayson,  
Greer (Calhoun),  
Greer (Perry),  
Haley,  
Handley,  
Harrison,  
Heflin (Chambers),  
Heflin (Randolph),  
Henderson,

Hodges,  
Hood,  
Howell,  
Howze,  
Inge,  
Jackson,  
Jones (Bibb),  
Jones (Hale),  
Jones (Montgomery),  
Jones (Wilcox),  
Kirk,  
Kirkland,  
Knight,  
Kyle,  
Ledbetter,  
Leigh,  
Long (Butler),  
Long (Walker),  
Lowe (Jefferson),  
Lowe (Lawrence),  
Macdonald,  
McMillan (Baldwin),  
McMillan (Wilcox),  
Malone,  
Martin,  
Maxwell,  
Merrill,  
Miller (Marengo),  
Miller (Wilcox),  
Moody,  
Murphree,  
NeSmith,  
Norman,  
Norwood,  
Oates,  
O'Neal (Lauderdale),  
O'Neill (Jefferson),  
Opp,

Palmer,	Smith, Mac. A.
Parker (Elmore),	Smith, Morgan M.,
Pearce,	Sorrell,
Pettus,	Spears,
Phillips,	Spragins,
Pillans,	Stewart,
Pitts,	Tayloe,
Porter,	Thompson,
Proctor,	Vaughan,
Renfroe,	Waddell,
Reynolds (Chilton),	Walker,
Robinson,	Watts,
Rogers (Lowndes),	Weakley,
Rogers (Sumter),	Weatherly,
Samford,	White,
Sanders,	Whiteside,
Sanford,	Williams (Barbour),
Searcy,	Williams (Marengo),
Selheimer,	Williams (Elmore),
Sentell,	Wilson (Clarke),
Sloan,	Wilson (Washington),
Smith (Mobile),	Winn—138.

LEAVE OF ABSENCE

Was granted to Messrs. Sollie for to-day, and Opp for Tuesday and Wednesday last; to Mr. Spears indefinitely.

REPORT OF THE COMMITTEE ON JOURNAL.

The chairman of the Committee on the Journal submitted the following report:

The Committee on the Journal beg leave to report that they have examined the Journal for the forty-first day of the Convention, and found the same to be correct.

Respectfully submitted,

JOHN F. PROCTOR, *Chairman.*

The report was concurred in.

## RECONSIDERATION.

Mr. Malone moved to reconsider the vote by which the latter part of subdivision 26, which constitutes the latter part of Section 1, was on yesterday adopted.

## QUESTION OF PERSONAL PRIVILEGE.

Mr. O'Neal, of Lauderdale, arose to a question of personal privilege and proceeded to state his question of privilege as follows:

I rise to a question of personal privilege. In my opening remarks I expressly disclaimed any purpose to impugn the motives of any delegate in this Convention. I expressly and emphatically stated that I did not doubt that every member of this body was actuated by the highest, most patriotic and most conscientious motives. Notwithstanding that statement, the distinguished gentleman from Mobile has seen fit to make a personal assault upon myself, and to state to this Convention that I am essaying the role of a prophet, that I am seeking to dictate what action they shall take in this matter. I protest that there is nothing in what I said which would warrant any such construction. I do not think this is a proper forum to bandy epithets with any gentleman, but if the gentleman from Mobile meant to intimate that my motives were not as conscientious and that my purposes were not as high as his were or any other delegate's he states what he knows is without foundation in facts and what was not warranted by anything in this discussion. He has attempted to make me the subject of ridicule and to say that I am proposing to lay down the law to this Convention, and force them to adopt a provision against their judgment. I think that remark was unwarranted. I was simply undertaking to do my duty as my conscience dictated, and according to the lights before me. I was simply defending the report of my committee, on grounds which I believed to be just and meritorious. I expressly disclaim any intention to impugn the motives of any gentleman, and yet that declaration did not seem to satisfy the gentleman, and he has gone

out of his way to make an assault upon me, which I think is absolutely as unwarranted as it is unjust, and I am surprised that a gentleman of his high character would do it under any circumstances. I stated to him expressly that it was not the purpose of the committee to attack any law that now exists by which the city of Mobile used its liquor licenses for the public schools, but that they had made a combination to strike out a certain section. That is true and every gentleman knows it to be true. I did not say that he was a party to the combination, but the vote of every member from that district indicated that such a combination had been made. I saw some gentlemen going around rallying the forces from that section, wanting them to vote against the subdivision, and there was a solid vote against the provision.

Mr. Williams, of Marengo, also arose to a question of privilege, and stated that the gentleman, Mr. O'Neal, of Lauderdale, was in error when he asserted that all of the members of the Constitutional Convention from the First Congressional district voted to strike out Section 14. Mr. Williams did not vote to strike out Section 14.

The question recurred upon the motion of Mr. Malone to reconsider the vote by which the latter part of Section 1 was adopted.

The motion prevailed: Yeas, 83; nays, 51.

## YEAS.

Messrs. Ashcraft,  
Banks,  
Barefield,  
Bethune,  
Blackwell,  
Boone,  
Brooks,  
Bulger,  
Burns,  
Carmichael (Colbert),  
Carmichael (Coffee),  
Cobb,

Cunningham,  
Dent,  
deGraffenried,  
Duke,  
Eley,  
Eyster,  
Fitts,  
Foshee,  
Foster,  
Freeman,  
Gilmore,  
Graham (Montgomery),

Grant,  
 Grayson,  
 Greer (Perry),  
 Harrison,  
 Heflin (Chambers),  
 Heflin (Randolph),  
 Henderson,  
 Hodges,  
 Howell,  
 Inge,  
 Jackson,  
 Jones (Bibb),  
 Jones (Hale),  
 Jones (Wilcox),  
 Kirk,  
 Kirkland,  
 Knight,  
 Ledbetter,  
 Long (Walker),  
 Macdonald,  
 McMillan (Baldwin),  
 McMillan (Wilcox),  
 Malone,  
 Martin,  
 Maxwell,  
 Merrill,  
 Miller (Wilcox),  
 Murphree,  
 NeSmith,

Norwood,  
 Oates,  
 Opp,  
 Parker (Cullman),  
 Parker (Elmore),  
 Pearce,  
 Pettus,  
 Pillans,  
 Pitts,  
 Reese,  
 Renfro,  
 Robinson,  
 Rogers (Lowndes),  
 Rogers (Sumter),  
 Sanford,  
 Searcy,  
 Sentell,  
 Sloan,  
 Smith (Mobile),  
 Smith, Mac. A.,  
 Smith, Morgan M.  
 Sorrell,  
 Stewart,  
 Tayloe,  
 Thompson,  
 Vaughan,  
 Weatherly,  
 Williams (Elmore),  
 Wilson (Clarke),  
 Winn—83.

#### NAYS.

Messrs. President,  
 Almon,  
 Beddow,  
 Burnett,  
 Byars,  
 Cardon,  
 Carnathon,  
 Case,

Cofer,  
 Coleman (Walker),  
 Davis (DeKalb),  
 Davis (Etowah),  
 Espy,  
 Ferguson,  
 Fletcher,  
 Glover,

Graham (Talladega),	Porter,
Greer (Calhoun),	Proctor,
Haley,	Reynolds (Chilton),
Handley,	Sanders,
Hinson,	Sanford,
Hood,	Selheimer,
Howze,	Spears,
Jones (Montgomery),	Spragins,
Kyle,	Waddell,
Leigh,	Walker,
Long (Butler),	Watts,
Lowe (Lawrence),	Weakley,
Miller (Marengo),	White,
Moody,	Whiteside,
Norman,	Williams (Barbour),
O'Neill (Jefferson),	Williams (Marengo),
O'Neal (Lauderdale),	Wilson (Washington)—51.
Phillips,	

Mr. Jones, of Hale, moved to reconsider the vote by which subdivision 23 was adopted on yesterday.

The motion prevailed.

Mr. Cobb moved to reconsider the vote by which subdivision 33 was adopted on yesterday.

The motion of Mr. Cobb was lost.

The regular order was demanded, which was the

#### REPORT OF STANDING COMMITTEES.

Thereupon the call of the standing committees was ordered.

The committees reported as follows :

#### REPORT OF COMMITTEE ON RULES.

Mr. Smith, acting chairman of the Committee on Rules, reported the following resolution favorably :

Resolution 237, by Mr. deGraffenried :

Resolved. That after the present week this Convention shall dispense with all clerks of committees, except the clerk of the Committee on Rules and a clerk for the Committee on the Order, Harmony and Consistency of the Whole Constitution.

Resolved further, that the clerks of the Committee on Rules and of the Order, Harmony and Consistency of the Whole Constitution shall serve the chairman of the other committees when their services are required.

Mr. Proctor offered the following amendment:

Amend resolution by inserting after the words Order, Harmony and Consistency of the Whole Constitution, in the first section, the words "and clerk of the Committee on Journal."

Mr. Howell offered the following substitute for resolution 237 and the amendment:

Whereas, The session of this Convention is being protracted much longer than was anticipated, and the expenses of the same are already beyond what was expected; be it

Resolved, That a special committee of five be appointed by the President to investigate and report at the earliest practicable day the advisability of reducing the number of employees of the Convention, and cutting down the expenses of the same.

Mr. deGraffenried moved to table the substitute.

The motion was lost: Yeas, 37; nays, 91.

#### YEAS.

Messrs. Almon,  
Barefield,  
Bethune,  
Brooks,  
Bulger,  
Carmichael (Colbert),  
Carmichael (Coffee),  
Carnathon,  
Cofer,  
Coleman (Walker),  
Craig,  
Cunningham,  
deGraffenried,  
Eyster,  
Glover,  
Inge,

Jones (Bibb),  
Jones (Hale),  
Kirk,  
Leigh,  
Long (Butler),  
Lowe (Jefferson),  
Lowe (Lawrence),  
Macdonald,  
Parker (Cullman),  
Proctor.  
Reynolds (Chilton),  
Reynolds (Henry),  
Smith (Mobile),  
Spragins,  
Stewart,  
Studdard,

Tayloe,  
Waddell,  
Weatherly,

Williams (Barbour),  
Wilson (Washington)—37.

NAYS.

Messrs. President,  
Ashcraft,  
Banks,  
Beddow,  
Blackwell,  
Boone,  
Burnett,  
Burns,  
Byars,  
Cardon,  
Case,  
Cobb,  
Davis (Etowah),  
Dent,  
Duke,  
Eley,  
Espy,  
Ferguson,  
Fitts,  
Fletcher,  
Foshee,  
Foster,  
Freeman,  
Gilmore,  
Graham (Montgomery),  
Graham (Talladega),  
Grant,  
Grayson,  
Greer (Calhoun),  
Greer (Perry),  
Haley,  
Handley,  
Harrison,  
Heflin (Chambers),  
Heflin (Randolph),

Henderson,  
Hinson,  
Hodges,  
Hood,  
Howell,  
Howze,  
Jackson,  
Jones (Hale),  
Jones (Montgomery),  
Jones (Wilcox),  
Kirkland,  
Kyle,  
Ledbetter,  
Long (Walker),  
McMillan (Baldwin),  
McMillan (Wilcox),  
Malone,  
Martin,  
Maxwell,  
Merrill,  
Miller (Marengo),  
Miller (Wilcox),  
Moody,  
Murphree,  
NeSmith,  
Norman,  
Norwood,  
Oates,  
O'Neal (Lauderdale),  
O'Neill (Jefferson),  
Opp,  
Parker (Elmore),  
Pearce,  
Pettus,  
Phillips,



Pillans,	Thompson,
Porter,	Vaughan,
Sanders,	Walker,
Sanford,	Watts,
Searcy,	Weakley,
Selheimer,	White,
Sloan,	Whiteside,
Smith, Mac. A.,	Williams (Marengo),
Smith, Morgan M.,	Wilson (Clarke).
Sorrell,	Winn—91.
Spears,	

Mr. Heflin, of Chambers, moved to recommit the resolution, amendments thereto, and substitute, to the Committee on Rules.

The motion was lost.

Mr. Howell moved the adoption of the substitute, which motion prevailed, and the substitute was adopted.

#### COMMITTEE ON IMPEACHMENTS.

Mr. Hood, chairman of the Committee on Impeachments, submitted the following report, which was read at length, and laid upon the table, and 300 copies ordered printed:

#### REPORT OF THE COMMITTEE ON IMPEACHMENTS.

*Mr. President:*

The Committee on Impeachments instructs me to report the ordinance hereto appended, to take the place of Article VII of the present Constitution:

The material changes are as follows:

Section 1. The words "Lieutenant Governor," "Commissioner of Agriculture and Industries" are inserted; "habitual drunkenness" is omitted, and the following inserted in lieu thereof: "Or intemperance in the use of intoxicating liquors or narcotics to such an extent, in view of the dignity of the office and importance of its duties, as unfits the officer for the discharge of such duties."

Section 2. The word "sheriffs" is inserted.

Section 3. The word "sheriffs" is omitted; "County Superintendents of Education" and "County Solicitors" inserted. The impeachment of all officers of incorporated cities and towns is provided for.

Section 4. This is identical with Section 4 of the article in the present Constitution. In this connection, the committee reports favorably ordinance No. 404, offered by Mr. Coleman, of Walker, providing for the amendment of that part of Section 28, Article V adopted by this Convention, which is as follows:

"And the Governor, when satisfied after hearing the Sheriff, that he should be impeached, may suspend him from office until the impeachment proceedings are decided."

But two other ordinances have been referred to this committee, which have been duly considered, and the principles contained in the same incorporated in the article, hence they are herewith returned to the Convention.

O. R. HOOD, *Chairman*.

*Mr. President:*

The undersigned, members of the Committee on Impeachments, do not concur in the report of the majority as to Sections 1, 2 and 3, and in lieu thereof we recommend the following:

Section 1. The Governor, Lieutenant Governor, Secretary of State, Treasurer, Auditor, Attorney General, Superintendent of Education, Commissioner of Agriculture and Industries, and Judges of the Supreme Court, may be removed from office for wilful neglect of duty, corruption in office, habitual drunkenness, incompetency, or any offense involving moral turpitude while in office, or committed under color thereof, or connected therewith, by the Senate, sitting as a court for that purpose, under oath or affirmation, on articles or charges preferred by the House of Representatives.

Sec. 2. The Chancellors, Judges of the Circuit Courts, Judges of Probate Courts, Solicitors, and Judges of the inferior courts, from which an appeal may be taken di-

rectly to the Supreme Court, may be removed from office for any of the causes specified in the preceding Section, by the Supreme Court, under such regulations as may be prescribed by law.

Sec. 3. The Sheriffs, clerks of the Circuit or other courts of like jurisdiction, of Criminal Courts, Tax Collectors, Tax Assessors, County Treasurers, County Superintendents of Education, County Solicitors, Coroners, Justices of the Peace, Notaries Public, Constables, and all other county officers; Mayors, intendants of incorporated cities and towns in this State, may be removed from office for any of the causes specified in Section 1 of this article, by the Circuit or other courts of like jurisdiction, or Criminal Courts of the county in which said officers hold their offices, under such regulations as may be prescribed by law; provided, that the right of trial by jury and appeal in such cases be secured.

We are aware that the change, as made by the majority in section 1, was done to try to remedy the defect as shown by the opinion of the Supreme Court in the Robinson case. We are unable to see how the change remedies the difficulty, and therefore recommend the adoption of the section as found in the Constitution of 1875, with the addition of Lieutenant-Governor and Commissioner of Agriculture and Industries.

As to Sections 2 and 3, the minority dissent from the action of the majority in transposing the word "Sheriffs" from Section 3 to Section 2, and the section, as recommended by the minority, is the same as in your Constitution.

The effect of the adoption of the majority report will be to take the impeachment of the Sheriffs out of the hands of the local community which elected them, and place it in the Supreme Court, and, it will be observed, that this is not limited to cases arising from negligence in allowing a prisoner to be lynched, but for any cause whatever, which we insist is not demanded by any condition that has ever existed in our State or which is at

all likely to ever occur, and therefore we submit that the provisions of the Constitution of 1875 should not be changed.

J. F. THOMPSON,  
J. J. ROBINSON,  
C. L. HALEY,  
MAC. A. SMITH,  
T. L. LONG.

## AN ORDINANCE.

Be it ordained by the people of Alabama, in Convention assembled, that Article VII of the Constitution be stricken out, and the following article inserted in lieu thereof :

### ARTICLE —

#### IMPEACHMENTS.

Section 1. The Governor, Lieutenant Governor, Secretary of State, Auditor, Treasurer, Attorney General, Superintendent of Education, Commissioner of Agriculture and Industries, and Judges of the Supreme Court, may be removed from office for wilful neglect of duty, corruption in office, incompetency, or intemperance in the use of intoxicating liquors or narcotics to such an extent, in view of the dignity of the office and importance of its duties, as unfits the officers for the discharge of such duties, or for any offense involving moral turpitude while in office, or committed under color thereof or connected therewith, by the Senate, sitting as a court for that purpose, under oath or affirmation, on articles or charges preferred by the House of Representatives.

Sec. 2. The Chancellors, Judges of the Circuit Court, Judges of Probate, Sheriffs, Solicitors of the Circuits, and Judges of the inferior courts, from which an appeal may be taken directly to the Supreme Court, may be removed from office for any of the causes specified in the preceding section, by the Supreme Court, under such regulations as may be prescribed by law.

**Sec. 3.** The Clerks of the Circuit or courts of like jurisdiction, of Criminal Courts, Tax Collectors, Tax Assessors, County Treasurers, County Superintendents of Education, County Solicitors, Coroners, Justices of the Peace, Notaries Public, Constables and all other county officers, Mayors, intendants and all other officers of incorporated cities and towns in this State, may be removed from office for any of the causes specified in Section 1 of this Article, by the Circuit or other courts of like jurisdiction, or Criminal Court of the county in which such officers hold their office, under such regulations as may be prescribed by law; provided, that the right of trial by jury and appeal in such cases be secured.

**Sec. 4.** The penalties in cases arising under the three preceding sections shall not extend beyond removal from office, and disqualifications from holding office, under the authority of this State, for the term for which he was elected or appointed, but the accused shall be liable to indictment and punishment as prescribed by law.

Mr. Hood, chairman of the Committee on Impeachments, also reported favorably the following ordinance, which was read at length a second time and laid upon the table, and 300 copies were ordered printed.

Ordinance 404, by Mr. Coleman, of Walker:

Whereas, Ample provision is made by law for the impeachment of officers, and

Whereas, It is contrary to the policy of this government that any part of the powers of one department should be exercised by an officer of another department, and

Whereas, It is contrary to the spirit of our institutions that any person should be punished before trial;

Now, Therefore be it ordained by the people of Alabama, in Convention assembled, That the following part of Section 28 of Article V, adopted by this Convention be and the same is hereby annulled, to-wit: "And the Governor, when satisfied after hearing the Sheriff, that he should be impeached, may suspend him from office until the impeachment proceedings are decided."

## RESOLUTIONS ON FIRST READING.

The following resolutions were offered, severally read one time at length, and referred to appropriate committees, as follows:

Resolution 238, by Mr. Cofer:

Be it resolved, That from and after the present week the services of five of the pages of this Convention be dispensed with, and that the President be directed to discharge five of the pages now in attendance upon this Convention in order to save unnecessary expenses.

The resolution was referred to a special committee.

Resolution 239, by Mr. Long, of Walker:

Whereas, There is too much expense attached to the running of the Convention; therefore be it

Resolved, That a committee of five be raised to say who are orators and who are not orators, and to allot to the orators a time during which each day they and one-half of the stenographers may repair to the Senate chamber, and there let the orators deliver themselves of their eloquence, and that the Convention proceed to work during such time.

The resolution was referred to a special committee.

## UNFINISHED BUSINESS.

The Convention proceeded to the consideration of the unfinished business, which was the report of the Committee on Local Legislation.

The question recurred upon the motion of Mr. Jones, of Hale, to reconsider the vote by which subdivision 23 was adopted.

The motion prevailed, and subdivision 23 was reconsidered, which reads as follows:

Twenty-three.—Regulating the jurisdiction and fees of Justices of the Peace or the fees of Constables.

Mr. Jones, of Hale, offered the following substitute to subdivision 23, which was adopted:

Increasing the jurisdiction and fees of the Justices of the Peace, or the fees of Constables.

Subdivision 23, as amended, was adopted.

The question recurred upon the consideration of the latter part of Section 1, which was reconsidered by the motion of Mr. Malone.

Mr. Sanders offered the following amendment to the subdivision:

Amend subdivision 26 by adding thereto the following words: Provided that nothing in this section or article shall effect the right of the Legislature to enact local laws regulating or prohibiting the liquor traffic; provided that notice is given as required in Section 2 of this article.

Mr. Wilson, of Clarke, offered the following amendment to the amendment offered by Mr. Sanders:

Amend by striking out the words "and the courts and not the General Assembly shall judge as to whether the matter of said law is provided for by a general law and as to whether the relief sought can be given by any court."

Mr. Dent moved to table the subdivision and pending amendments.

#### RECESS.

Pending the further consideration of the report of the Committee on Local Legislation, the hour of 1 o'clock p. m. having arrived, under the rules, the Convention adjourned until 3:30 this afternoon.

#### AFTERNOON SESSION.

The Convention met pursuant to adjournment.

#### ROLL CALL.

On a call of the roll of the Convention the following delegates answered to their names, which constituted a quorum:

Messrs. President,  
Almol,  
Ashcraft,  
Banks,

Bartlett,  
Beavers,  
Beddow,  
Bethune,

Blackwell,  
Boone,  
Brooks,  
Browne,  
Bulger,  
Burns,  
Byars,  
Cardon,  
Carmichael (Colbert),  
Carnathon,  
Case,  
Cobb,  
Cofer,  
Craig,  
Cunningham,  
Davis (DeKalb),  
Davis (Etowah),  
Dent,  
deGraffenried,  
Duke,  
Eley,  
Eyster,  
Ferguson,  
Fitts,  
Fletcher,  
Foshee,  
Freeman,  
Gilmore,  
Glover,  
Graham (Montgomery),  
Graham (Talladega),  
Grant,  
Grayson,  
Greer (Calhoun),  
Greer (Perry),  
Haley,  
Handley,  
Harrison,  
Heflin (Randolph),  
Henderson,  
Hinson,

Hodges,  
Hood,  
Howell,  
Howze,  
Iuge,  
Jackson,  
Jenkins,  
Jones (Bibb),  
Jones (Hale),  
Jones (Montgomery),  
Jones (Wilcox),  
Kirk,  
Kirkland,  
Knight,  
Kyle,  
Ledbetter,  
Leigh,  
Long (Butler),  
Long (Walker),  
Lowe (Jefferson),  
Lowe (Lawrence),  
Macdonald,  
McMillan (Baldwin),  
McMillan (Wilcox),  
Malone,  
Martin,  
Maxwell,  
Merrill,  
Miller (Marengo),  
Miller (Wilcox),  
Moody,  
Murphree,  
NeSmith,  
Norman,  
Norwood,  
Oates,  
O'Neal (Lauderdale),  
O'Neill (Jefferson),  
Opp,  
Palmer,  
Parker (Cullman),



Parker (Elmore),  
 Pearce,  
 Pettus,  
 Phillips,  
 Pillans,  
 Pitts,  
 Porter,  
 Proctor,  
 Reese,  
 Renfro,  
 Reynolds (Henry),  
 Robinson,  
 Rogers (Lowndes),  
 Rogers (Sumter),  
 Samford,  
 Sanders,  
 Sanford,  
 Searcy,  
 Selheimer,  
 Sentell,  
 Sloan,

Smith (Mobile),  
 Smith, Mac. A.  
 Smith, Morgan M.,  
 Sorrell,  
 Spears,  
 Spragins,  
 Stewart,  
 Tayloe,  
 Thompson,  
 Vaughan,  
 Waddell,  
 Walker,  
 Watts,  
 Weakley,  
 White,  
 Whiteside,  
 Williams (Barbour),  
 Williams (Marengo),  
 Williams (Elmore),  
 Wilson (Washington).  
 Winn--132.

#### UNFINISHED BUSINESS.

The Convention proceeded to the consideration of the unfinished business, which was the report of the Committee on Local Legislation.

The question was upon the motion of Mr. Dent to table the latter part of Section 1 and the pending amendments thereto.

By unanimous consent the motion was withdrawn.

Mr. Harrison moved to table the amendments, and the latter part of Section 1.

Division of the question was demanded.

The question recurred upon the motion to table the amendment offered by Mr. Wilson, of Clarke.

The motion prevailed, and the amendment was lost.

Mr. Harrison moved to table the amendment offered by Mr. Sanders.

The motion was lost.

Mr. Harrison moved to table the latter part of Section 1.

The motion was lost.

The question then recurred upon the adoption of the amendment to the latter part of Section 1.

Mr. O'Neal, of Lauderdale, moved to adopt the amendment offered by Mr. Sanders.

The motion prevailed, and the amendment was adopted.

Mr. Robinson offered the following amendment:

Amend by striking out after the word "State," in the thirty-fifth line, down to and including the word "court" in thirty-seventh line, and insert: "Unless every such special, private or local law shall contain recital that notice has been given as provided by Section 2 of this article, and that the matter of such special, private or local law cannot be provided for by general law, and that the relief sought therein cannot be given by any court."

The amendment was lost.

Mr. Reese offered the following amendment to the latter part of Section 1, which was read at length:

Amend last paragraph of Section 1 by striking out the word "fixing" in line thirty-three, and inserting in lieu therefor: "Regulating the creation, practice or."

The amendment was adopted.

Mr. O'Neal, of Lauderdale, moved that the latter part of Section 1, as amended, be adopted.

The motion prevailed, and the latter part of Section 1 was adopted.

Mr. O'Neal, of Lauderdale, moved that Section 1, as amended, be adopted.

The motion prevailed, and Section 1 was adopted.

#### RECONSIDERATION.

Mr. deGraffenried gave notice that on to-morrow he would move to reconsider the vote by which the latter part of Section 1 was adopted.

#### SECTION FOUR.

Sec. 4. The operation of no general law shall be suspended for the benefit of any individual, corporation,

association, town, city, county or township, nor shall any individual, corporation, association, town, city, county or township be exempted from the operation of any general law.

Was read at length.

The question was upon the pending amendment offered by Mr. Sanders to Section 4.

The amendment was read at length as follows:

Provided, That nothing in this section shall affect the right of the Legislature to enact local laws regulating or prohibiting the liquor traffic.

Mr. Ashcraft offered the following amendment to the amendment offered by Mr. Sanders:

Amend by adding: "Except as in this article otherwise provided."

The amendment to the amendment was adopted.

Mr. Watts moved to table the amendment offered by Mr. Sanders.

The motion was lost.

The question recurred upon the amendment as amended.

The amendment was adopted.

Mr. Dent offered the following amendment to Section 4:

Amend Section 4 of the Article on Local Legislation as follows: Strike out the following words: "Town, city, county or township as these words appear in lines two and three, and also to add the word "private" before the word "corporation" in the same line; and also to further add the word "or" before the word "association" in the same lines.

Mr. Waddell moved to table the amendment offered by Mr. Dent.

The motion was lost.

The question recurred on the adoption of the amendment offered by Mr. Dent.

The amendment was adopted.

Mr. Sanders offered the following substitute for Section 4 and pending amendments:

Sec. 4. No bill introduced as a general law into either House of the General Assembly shall be so

amended as to except from its operation any individual, association, corporation, municipality, county or township, and no general law in force shall be amended by excepting from its provisions any individual, association, corporation, municipality, county or township.

On motion of Mr. deGraffenried the substitute was laid upon the table.

Mr. Parker, of Cullman, called for the previous question on the adoption of the section as amended, and the call was sustained.

#### RECONSIDERATION.

Mr. Samford moved that the rules be suspended and that the vote by which the previous question was adopted be reconsidered.

The motion prevailed, and the rules were suspended and the vote by which the previous question was ordered was reconsidered.

Mr. Samford moved that the vote by which the amendment of Mr. Sanders was adopted be reconsidered.

The motion prevailed.

Mr. Samford moved to table the amendment offered by Mr. Sanders.

The motion prevailed, and the amendment was laid upon the table.

Mr. Samford offered the following amendment to Section 4:

Amend by adding "except as in this article otherwise provided."

The amendment was adopted.

Section 4, as amended, was thereupon adopted.

#### SECTION FIVE.

Was read at length, as follows:

Sec. 5. The General Assembly may, by general law, confer upon Courts of County Commissioners, Boards of Revenue or other courts, such power of local legislation and administration, touching all matters and things not provided for by general law, and not incon-

sistent with the provisions of this Constitution, as the General Assembly may from time to time deem expedient.

The supplementary report of the Committee on Legislative Department to the report of the report of the Committee on Local Legislation was read at follows:

Your committee do not concur in Section 5 of said article as reported by the Committee on Local Legislation, and recommends as a substitute therefor Section 25 of Article IV of the present Constitution.

Respectfully submitted,

WM. C. OATES, *Chairman.*

#### ADJOURNMENT.

Pending the further consideration of the report of the Committee on Local Legislation, the hour of 6 o'clock p. m. arrived, and under the rules, the Convention adjourned until 9:30 o'clock to-morrow morning.

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### FORTY-THIRD DAY.

#### CONVENTION HALL.

Montgomery, Ala., Friday, July 12, 1901.

The Convention met pursuant to adjournment.

Prayer was offered by Rev. Mr. Dix of the city.

#### ROLL CALL.

On a call of the roll of the Convention the following delegates answered to their names, which constituted a quorum:

Messrs. President,  
Almon,  
Ashcraft,  
Banks,  
Barefield,  
Bartlett,

Beavers,  
Beddow,  
Bethune,  
Blackwell,  
Boone,  
Brooks,

Browne,  
Bulger,  
Burnett,  
Burns,  
Byars,  
Cardon,  
Carmichael (Colbert),  
Carmichael (Coffee),  
Carnathon,  
Case,  
Chapman,  
Cobb,  
Coleman (Walker),  
Cornwell,  
Craig,  
Cunningham,  
Davis (DeKalb),  
Davis (Etowah),  
Dent,  
deGraffenried,  
Eley,  
Eyster,  
Espy,  
Ferguson,  
Fitts,  
Foshee,  
Foster,  
Freeman,  
Gilmore,  
Glover,  
Graham (Montgomery),  
Graham (Talladega),  
Grant,  
Grayson,  
Greer (Calhoun),  
Greer (Perry),  
Haley,  
Handley,  
Harrison,  
Heflin (Randolph),  
Hinson,

Hodges,  
Hood,  
Howell,  
Howze,  
Inge,  
Jackson,  
Jenkins,  
Jones (Bibb),  
Jones (Hale),  
Jones (Montgomery),  
Jones (Wilcox),  
Kirk,  
Kirkland,  
Knight,  
Kyle,  
Leigh,  
Locklin,  
Long (Butler),  
Long (Walker),  
Lowe (Lawrence),  
Macdonald,  
McMillan (Baldwin),  
McMillan (Wilcox),  
Malone,  
Martin,  
Maxwell,  
Merrill,  
Miller (Marengo),  
Miller (Wilcox),  
Moody,  
Murphree,  
NeSmith,  
Norman,  
Norwood,  
Oates,  
O'Neal (Lauderdale),  
O'Neill (Jefferson),  
Opp,  
O'Rear,  
Palmer,  
Parker (Cullman),

Parker (Elmore),	Smith, Morgan M.,
Pearce,	Sorrell,
Pettus,	Spears,
Phillips,	Spragins,
Pillans,	Stewart,
Pitts,	Tayloe,
Porter,	Thompson,
Renfro,	Vaughan,
Reynolds (Chilton),	Waddell,
Reynolds (Henry),	Walker,
Robinson,	Watts,
Rogers (Lowndes),	Weakley,
Rogers (Sumter),	Weatherly,
Samford,	White,
Sanders,	Whiteside,
Sanford,	Willetts,
Selheimer,	Williams (Barbour),
Sentell,	Williams (Marengo).
Sloan,	Williams (Elmore),
Smith (Mobile),	Wilson (Washington).
Smith, Mac. A.	WINN—137.

## LEAVE OF ABSENCE.

Was granted to Messrs. Wilson of Clarke indefinitely; Craig for Saturday and Monday; Tayloe for Saturday; Kirkland for to-day and to-morrow; Reynolds of Henry for to-day and to-morrow; Bethune for Saturday; Kyle for Saturday, Monday and Tuesday; Burnett for to-morrow; Foshee for to-day and to-morrow; Searcy for to-day and to-morrow; Fain, assistant door keeper, for to-morrow; Duke indefinitely; Sollie for to-day and to-morrow; and Williams of Elmore for to-morrow; Harrison for to-morrow; Jackson for Saturday and Monday; Renfro for to-day and Saturday; Macdonald for this afternoon; Sloan for to-morrow and Monday; Weatherly for this afternoon; Morrisette indefinitely on account of sickness; Vaughan for Saturday and Monday.

## REPORT OF COMMITTEE ON JOURNAL.

The chairman of the Committee on the Journal submitted the following report:

The Committee on the Journal beg leave to report that they have examined the Journal for the forty-second day of the Convention, and that the same is correct.

Respectfully submitted,

JOHN F. PROCTOR, *Chairman.*

The report of the committee was concurred in.

## RESOLUTIONS.

The following resolutions were offered, the rules were suspended, and the resolutions were adopted:

Resolution 240, by Mr. Sanders:

Resolved, That the Sergeant-at-Arms be instructed to place at least four more fans in this hall.

Resolution 241, by Mr. Harrison:

Resolved, That the privileges of the floor of this Convention be and the same are hereby extended to Hon. John D. Little, Speaker of the House of Representatives of the State of Georgia; and the Hon. B. S. Niller, a member of the House of Representatives of the State of Georgia, during their stay in the Capital of Alabama.

## ORDINANCES ON FIRST READING.

The following ordinances were introduced by unanimous consent, severally read one time at length, and referred to appropriate committees, as follows:

Ordinance 418, by Mr. Carmichael, of Coffee:

To amend Section 4 of Article XI of the present Constitution. (Relating to the tax rate of the State.)

The ordinance was referred to the Committee on Taxation.

Ordinance 419, by Mr. Jones, of Wilcox:

To provide for the issuance of bonds, in the event of the annexation of any foreign territory to this State by purchase.



The ordinance was referred to the Committee on Legislative Department.

#### REPORTS OF STANDING COMMITTEES.

Mr. Graham of Talladega, submitted the following report, which was read at length, and laid upon the table, and 300 copies ordered printed:

#### REPORT OF THE COMMITTEE ON EDUCATION.

*Mr. President:*

The Committee on Education directs me to submit an ordinance to be incorporated in the new Constitution as Article —, Education.

A few brief explanations and introductory remarks are necessary to the proper understanding of the work and purposes of the Committee.

Section 1. This section has been changed by striking out the word "equal" as a basis of apportionment and substituting in substance and fact the provision for a free school term of equal length as the basis of division of the school fund in the respective townships and districts; but leaves the apportionment to the several counties according to the number of school children therein. The latter plan is not a change.

Sections 2 and 3 remain unchanged.

Section 4 presents a change in detail but not in effect. It provides that all poll taxes shall be applied to the public schools in the counties where levied and collected, but leaves the regulation thereof as to amount and those subject to such tax to the Articles on Taxation and Suffrage.

Section 5 presents apparently the greatest change, yet in fact is largely a change in method only.

The object of the Committee was and is merely to guarantee as nearly as possible the present State school fund as the minimum Constitutional fund.

The Sixteenth Section, interest and surplus revenue funds are trust funds and must remain unchanged;

hence the first part of the old Section 5 remains unchanged.

The present State appropriation proper is \$550,000, and to this is added the special 1 mill tax, which for the year 1900 has yielded to this date \$256,117.50, as shown by the Auditor's books; and a reliable estimate from this office shows that, notwithstanding the total assessment of \$266,893,288 for the year 1900, the 1 mill tax will not exceed \$257,000. This being true, the total fund available for the scholastic year ending next September, exclusive of poll tax and trust fund interest, will be \$550,000 plus the 1 mill tax, \$257,000, or \$807,000.

In lieu of this annual appropriation and 1 mill tax, the committee has substituted an annual 3 mill tax, or 30 cents on each \$100. A 3 mill tax on the assessed valuation of last year would yield \$771,000 as an annual fund, which would be \$36,000 less than the fund for the present year. If the State should prosper and the assessment for 1901 should reach \$280,000,000, a 3 mill tax would yield \$806,400 as a school fund, because only about 96 per cent. of the total is collected. It will, therefore, be readily observed that the 3 mill plan would approximately furnish the same revenue year in and year out, that we now have from the general appropriation, and the 1 mill tax. The superior merit of this plan is that it fixes the school fund permanently, and does not leave it to the General Assembly as a matter of contention at every session. It is a sliding scale. If the State prospers and assessments increase, the schools get a larger fund. If values decrease then the schools share, as they should, the adverse conditions.

The present system of general biennial appropriations, supplemented by the 1 mill special tax, gives rise to endless trouble in book-keeping and estimates of the fund, and to efforts and alarm upon the part of true friends of education lest the appropriation may be decreased and the school term shortened.

The Auditor, in his report for 1899, recommends that the plan of this committee be adopted, though at a different rate.

Section 6 remains unchanged.

Section 7 remains unchanged except that the term of office and mode of election are left out for the reason that the Executive Article has already provided for these things.

Sections 8 and 9 remain unchanged.

Section 10 remains unchanged except that the institutions for the deaf and blind at Talladega and the Alabama Girls' Industrial School at Montevallo are State educational institutions that should properly be included therein, and it is so done.

Section 11 is a new section which provides for taking a school census not oftener than once in two years, and throwing proper safeguards around the same. This it seems would readily command the appreciation and approval of the Convention.

Section 12. This is a new section which is a modification of an amendment offered to the Article on Taxation by the chairman of that committee. It provides for a 1 mill local tax, with the county as a unit, to be voted in the respective counties by 60 per cent. of the qualified electors voting at such election. This provision has been favorably reported because of its merits and in view of the reduction of the State limit of taxation to 65 cents. Under it the State and county rate combined can never exceed \$1.25 per \$100, and it is local self government in behalf of better schools.

Section 13 is Section 11 of the present Constitution, and is incorporated herein without change.

There are some minority views which will either be attached to this report, or expressed upon the floor of the Convention at the proper time, the gentlemen in the minority having reserved this privilege.

All ordinances and resolutions are herewith returned, the same having had careful consideration by the committee. They are of the opinion that any further matters than those reported in this article should be left to the General Assembly.

JOS. B. GRAHAM, *Chairman.*

## ARTICLE —

## EDUCATION.

Section 1. The General Assembly shall establish, organize and maintain a liberal system of public schools throughout the State for the benefit of the children thereof between the ages of 7 and 21 years. The public school fund shall be apportioned to the several counties in proportion to the number of school children of school age therein, and shall be so apportioned to the schools in the districts or townships in the county as to provide, as nearly as practicable, school terms of equal duration in such school districts or townships. Separate schools shall be provided for white and colored children and no child of either race shall be permitted to attend a school of the other race.

Sec. 2. The principal of all funds arising from the sale or other disposition of lands or other property, which has been or may hereafter be granted or entrusted to this State or given by the United States for educational purposes, shall be preserved inviolate and undiminished; and the income arising therefrom shall be faithfully applied to the specific object of the original grants or appropriations.

Section 3. All lands or other property given by individuals, or appropriated by the State for educational purposes, and all estates of deceased persons, who die without leaving a will or heir, shall be faithfully applied to the maintenance of the public schools.

Sec. 4. All poll taxes levied and collected in this State shall be applied to the support of the public schools in the respective counties where levied and collected.

Sec. 5. The income arising from the Sixteenth Section trust fund, the surplus revenue fund, until it is called for by the United States government, and the funds enumerated in Sections 3 and 4 of this Article, together with the special annual tax of 30 cents on each \$100 dollars of taxable property in this State shall be applied to the support and maintenance of the public

schools and it shall be the duty of the General Assembly to increase, from time to time, the public school fund as the necessity therefor and the condition of the treasury and the resources of the State may justify. Provided, that nothing herein contained shall be so construed as to authorize the General Assembly to levy in any one year a greater rate of taxation than 65 cents on each \$100 worth of taxable property.

Sec. 6. Not more than 4 per cent. of all moneys raised or which may hereafter be appropriated for the support of public schools, shall be used or expended otherwise than for the payment of teachers employed in such schools; provided, that the General Assembly may, by a vote of two-thirds of each House, suspend the operation of this section.

Sec. 7. The supervision of the public schools shall be vested in a Superintendent of Education, whose powers, duties and compensation shall be fixed by law.

Sec. 8. No money raised for the support of the public schools of the State shall be appropriated to or used for the support of any sectarian or denominational school.

Sec. 9. The State University and the Agricultural and Mechanical College (now called the Alabama Polytechnic Institute, shall each be under the management and control of a Board of Trustees. The Board for the University shall consist of two members from the Congressional district in which the University is located, and one from each of the other Congressional districts in the State. The Board for the Agricultural and Mechanical College shall consist of two members from the Congressional district in which the college is located and one from each of the other Congressional districts in the State, said Trustees shall be appointed by the Governor by and with the advice and consent of the Senate, and shall hold office for a term of six years and until their successors shall be appointed and qualified. After the first appointment each Board shall be divided into three classes, as nearly equal as may be. The seats of the first class shall be vacated at the expiration of two years, and those of the second class in four years, and those of the third class at the end of six years from

the date of appointment, so that one-third may be chosen biennially. No Trustee shall receive any pay or emolument other than his actual expenses incurred in the discharge of his duties as such. The Governor shall be ex-officio President, and the Superintendent of Education ex-officio member of each of said Boards of Trustees.

Sec. 10. The General Assembly shall have no power to change the location of the State University or the Agricultural and Mechanical College, or the institutions for deaf and blind, or the Alabama Girls' Industrial School, as now established by law, except upon a vote of two-thirds of the General Assembly, taken by yeas and nays and entered upon the Journals.

Sec. 11. The General Assembly shall provide for taking a school census by townships and districts throughout the State not oftener than once in two years, and shall provide for the punishment of all persons or officers making false and fraudulent enumerations and returns; provided, the State Superintendent may order and supervise the taking of a new census in any township, district, or county, whenever he may have reasonable cause to believe that false or fraudulent returns have been made.

Sec. 12. The several counties in this State shall have power to levy and collect a special tax not exceeding 10 cents on each \$100 of taxable property in such counties, for the support of public schools; provided, that the rate of such tax, the time it is to continue, and the purpose thereof shall have been first submitted to a vote of the qualified electors of the county and voted for by three-fifths of those voting at such election; but the rate of such special tax shall not increase the rate of taxation, State and county combined, in any year, more than \$1.25 on each \$100 of taxable property; excluding, however, all special county taxes for public buildings, roads, bridges and payment of debts existing at the ratification of the Constitution of 1875; provided, that such funds so raised shall be so apportioned and paid through the proper school officials to the several schools in the townships and districts in said county, that the school terms of the respective schools shall

be extended by such supplement as nearly the same length of time as practicable.

The General Assembly shall provide for carrying the provisions of this section into effect.

Sec. 13. The provisions of this article and of any act of the General Assembly passed in pursuance thereof to establish, organize and maintain a system of public schools throughout the State, shall apply to Mobile county only so far as to authorize and require the authorities designated by law to draw the portions of the funds to which said county shall be entitled for school purposes, and to make reports to the Superintendent of Education as may be prescribed by law. And all special incomes and powers of taxation, as now authorized by law for the benefit of public schools in said county, shall remain undisturbed until otherwise provided by the General Assembly; provided, that separate schools for each race shall always be maintained by said school authorities.

#### MINORITY REPORT OF THE COMMITTEE ON EDUCATION.

*Mr. President:*

The undersigned, minority of your Committee on Education does not concur in that part of the report embraced in Section 9, in reference to the University of Alabama.

While this institution has done great service for the State under existing conditions, it is the opinion of the minority that the usefulness of the University will be enhanced by providing that the Governor shall not be a member of the Board of Trustees, and that the said Board be authorized to elect its own presiding officer. It seems in line with a true and broad policy that the appointing power should not be a member—nor ex-officio president—of the Board appointed.

No recommendation is made by this minority in regard to other State institutions for the reason that they have expressly petitioned that no change be made in their management.

Your minority does not think that the fact that other institutions are satisfied with the existng conditions should deter the University from taking a progressive step. The State University is in a class by itself and the fact that the Governor is ex-officio a member of the Board of Trustees of the Alabama Polytechnic Institute or of Boards of Trustees of certain Agricultural schools is no reason why he should be a member of the Board of Trustees for the University.

Therefore the undersigned minority of your Committee on Education recommends that the words "each of said Boards of Trustees" at the end of Section 9 of the report, be stricken out, and that there shall be added in lieu thereof the words: "The Board of Trustees of the Alabama Polytechnic Institute. The Superintendent of Education shall be ex-officio a member of the Board of Trustees of the University; and the said Board shall elect its own President."

ERLE PETTUS,  
JOHN T. ASHCRAFT,  
P. W. HODGES,  
JOHN A. ROGERS,  
D. S. BETHUNE,  
JERE N. WILLIAMS,  
HENRY OPP,

Minority of the Committee on Education.

#### MINORITY REPORT.

*Mr. President:*

The undersigned, members of the Committee on Education, regret that they are unable to agree with the majority on the provisions of Section 12 of the Article on Education, and beg leave to submit a minority report proposing a substitute for said Section 12.

This section as reported by the majority of the committee provides for the levy by the county of a 1 mill tax for schools. The majority claim this is local self government in behalf of better schools. The leading educators of this State agree that the cause of education would be greatly accentuated by a wise plan of local



assessment for schools because of the local initiative and pride produced by a direct contribution by a community to its schools. Local assessments contribute to the interest in the schools as well as to its funds. Educators recognize the former as the more valuable contribution. The plan proposed by the committee has none of the advantages of local assessments.

The minority believe that both local and race initiative should be encouraged. The plan proposed by them has these two ends in view. They are aware that some persons have urged constitutional objections against the right of each race to contribute something to its own schools independently of the other race, but they do not believe these objections are well taken. In the *Cummings* case (175 U. S., p. 528) the Supreme Court said: "While all admit that the benefits and burdens of public taxation must be shared by citizens without discrimination against any class on account of race, the education of the people maintained by State taxation is a matter belonging to the respective States, and any interference on the part of Federal authorities with the management of such schools cannot be justified except in the case of a clear and unmistakable disregard of the rights secured by the supreme law of the land."

The court was considering an application for "an injunction that would only impair the efficiency of the High Schools provided for the white children, or compel the Board to close it." The court said: "If that were done, the result would only be to take from white children educational privileges enjoyed by them without giving to colored children additional opportunities for the education furnished in High Schools. The colored school children of the county would not be advanced in the matter of their education by a decree compelling the defendant Board to cease giving support to a High School for white children," and the injunction was denied.

In the *Owensboro* case (16th Federal Reporter, 297), the court held that the city of Owensboro did not have the right to impose taxes upon all citizens of the city of Owensboro "without regard to their willingness or un-

willingness to be taxed," and then distribute the proceeds between the races on an unfair and unequal classification or basis." Here the governmental agency was exercising its power to tax all persons alike and its power to distribute one way for the white people and another way for the colored people. The court held that this did not give to all persons within the jurisdiction of the city of Owensboro the equal protection of the laws, and was violative of the Fourteenth Amendment.

In the Puitt case (94th N. C., 709), the court held that the statutes of the State of North Carolina, which provided that white voters in a township might vote to levy a special assessment upon property belonging to white persons for school purposes was violative of two provisions of the Constitution of that State; one providing that all taxes should be uniform and the other providing that there should be no discrimination in favor of or to the prejudice of either race. The court refused to inquire into the consistency of the statute with the recent amendments to the Constitution of the United States, but the court added: "It is not every distinction dependent upon race, or color, that comes in conflict with the Federal Constitution, but only when it produces inequality of rights or interests; and when this is the result, the State legislation from which it flows is rendered inoperative.

When the same essential privileges are secured to all, such legislation is valid and rests in the sound discretion and views of public policy of those who make the laws." One of the Justices declined to admit that the plan of local assessment referred to was violative even of the strong provisions of the State Constitution. He says: "I am of opinion that the statute authorizes in effect a local assessment and does not prescribe a public tax, in the sense of the Constitution, and that local assessments are not necessarily confined to particular real property to be effected by them favorably in contemplation of law."

It is universally conceded that the State may, by its Constitution, provide for separate schools for white and colored children without violating the Federal Constitu-

tion. If separate schools may be maintained, certainly separate districts may be organized for the patronage of such schools.

This section proposed by the minority proposes that white school districts may be laid out to the greatest advantage of the white people, and that colored school districts may be laid out to the greatest advantage of the colored people.

It is provided by Section 1 of the article that the General School funds shall be so apportioned as to maintain equal school terms in these districts. So far, it will be admitted that all receive the equal protection of the laws. The substitute further proposes to permit each school district to impose upon itself a local assessment the better to carry out the purpose for which the district was organized. In this right the colored districts and the white districts are equally protected. Each district is guaranteed from the General School funds reasonable school terms. If the members of one district see fit to impose upon themselves the special assessment how can it be said that the other, which has the same right, is denied the equal protection of the law. If it be said that one district owns more property than another the same may be said about the different counties under the plan proposed by the majority.

The white race being given an opportunity to do something for itself as a race will no longer be irritated by the disproportionate share which they contribute to and receive from the general fund. The negro being given the opportunity to do something as a race will no longer be in the position of an absolute mendicant, and will have the opportunity of showing himself worthy of the large share he receives from the general fund. He will have the opportunity of cultivating self-respect and self-reliance. Race pride and race fraternity will take the place of that suspicious envy which now manifests itself in the commission of those crimes which shock humanity.

The primary purpose of this Convention was to establish a more just relation between the two races and the State, and so to insure domestic tranquility and prosperity.

The divorcement of the white and colored school system stands side by side in importance with the proper suffrage regulations.

JOHN T. ASHCRAFT,  
ERLE PETTUS,  
P. W. HODGES,  
HENRY OPP,

Substitute proposed by minority for Section 12 of majority report of the Committee on Education.

12. It shall be the duty of the County Superintendent of Education, or other school officer, in each county by and with the advice and consent of the Court of County Commissioners, or body of like jurisdiction, to organize the white people of the county into white school districts and the colored people of the county into colored school districts, according to their respective needs and advantages, without reference to each other as to territorial boundaries; provided, no incorporated town or city maintaining a system of public schools as provided by law, shall be separated into districts without the consent of the Mayor and Board of Aldermen of such city or town.

For the purpose of building, enlarging, improving or furnishing school houses in any district or for the purpose of supplementing the general school fund received from Federal, State, county, municipal and other sources, the Court of County Commissioners or body of like jurisdiction shall, as hereafter provided, levy a special assessment of not more than one-fourth of 1 per centum in any one year upon the property of a white person situated in a white district, or upon the property of colored persons situated in a colored district; provided, no such levy shall be made except upon the request of three-fifths of the voters voting at an election held for that purpose and residing in the district. At such election in a white school district only qualified white electors shall be permitted to vote, and in colored school districts only qualified colored electors shall be permitted to vote. It shall be the duty of the Probate Judge to order such election in any district upon the petition

of not less than one-fourth of the voters, who will be entitled to vote at such election. The order for such election shall state the purpose for which it is proposed to make the assessment, the rate of the proposed assessment and the number of years during which such assessment is proposed to be made. Notice of such election shall be given and the election held in such manner as may be provided by law for such special election. No proposition shall be made at any such election to levy such special assessment during a period of more than four years.

When any property belonging to a corporation is situated in a white school district where a special assessment is to be made, as herein provided, such assessment shall be levied upon such proportion of the value of such property as the number of white children of school age in the county bears to the whole number of children of school age in the county. When such property is situated in a colored school district where such assessment is made, it shall be levied upon such proportion of the value thereof as the number of colored children of school age in the county bears to the whole number of children of school age in the county.

Mr. Foster, chairman of the Committee on Amending the Constitution and Miscellaneous Provisions, submitted the following report, which was laid upon the table and 300 copies ordered printed :

REPORT OF THE COMMITTEE ON AMENDING THE CONSTITUTION AND MISCELLANEOUS PROVISIONS.

*Mr. President :*

Your Committee on Amending the Constitution and Miscellaneous Provisions, respectfully report back ordinance No. 412, by Mr. Merrill, of Barbour, with the recommendation that it be adopted by this Convention.

Respectfully submitted :

J. M. FOSTER, *Chairman.*

Ordinance 412, by Mr. Merrill:

An ordinance relating to the bonded indebtedness of the State.

Be it ordained by the people of the State of Alabama, in Convention assembled, That an act of the General Assembly of Alabama, entitled "An act to consolidate and adjust the bonded debt of the State of Alabama," approved February 18th, 1895, and an act amendatory thereto, entitled "An act to amend Section 6 of an act to consolidate and adjust the bonded debt of the State of Alabama," approved February 18th, 1895, which said last named act was approved February 16th, 1899, be and the same are hereby made valid and both of said acts shall have the full force and effect of law. The Governor is authorized and empowered to act under the same and carry out all the provisions thereof.

#### STENOGRAPHIC REPORT.

Messrs. Malone and Vaughan called the attention of the Convention to certain errors in the stenographic report of the proceedings on yesterday.

The report was ordered corrected.

#### QUESTION OF PERSONAL PRIVILEGE.

Mr. Smith, of Mobile, arose to a question of personal privilege, and proceeded to state his question of privilege as follows:

On yesterday after the debate between the gentleman from Lauderdale and myself, the gentleman from Lauderdale rose to a question of personal privilege. Owing to the location of my seat, I was unable to hear what the gentleman was saying, and called his attention to that fact. The official report omits any note of the fact that I did call the gentleman's attention to the fact that I was not hearing what was being said. I concluded to wait, however, until I could get the official report of the debates between the gentleman and myself, and also his remarks upon the question of personal privilege. I have this morning gone over the record in that

respect, and I beg to say that the debate of the gentleman from Lauderdale, as it appears in the record, is not substantially what I understood him to say on the floor of the Convention on yesterday. I desire further to say that if I had understood the remarks of the gentleman to contain only the substance of what the official report contains, there is much that was said by myself that I should have been glad to omit. I thought, however, upon reading those remarks, that probably the things criticised by myself, arose from the suddenness and passion of the debate, and was not inclined to call any attention to the errors in the record until reading the gentleman's remarks under personal privilege. I find that they were all based upon the proposition that there was nothing in the debate said by himself, calling for the criticism. As the gentleman placed his statement of personal privilege upon that basis, I regret exceedingly that the stenographer should have left out the substance of the matters criticised by myself, and I feel that the omission of those remarks, followed by the remarks of the gentleman upon personal privilege, do me a great injustice. I think a true report of the remarks of the gentleman should have been made to the Convention.

Mr. O'Neal, of Lauderdale, also arose to a question of personal privilege, and proceeded to state his question of privilege as follows:

Mr. O'Neal, of Lauderdale: I rise to a question of personal privilege. The report of the stenographer contains the substance, word for word, what I said, but there were some remarks made yesterday by the gentleman from Mobile which I did not catch at the time, and which I am unwilling to let pass unchallenged.

I think it proper that I should state, Mr. President, that I announced to the Convention on yesterday that it had been, from the outset, the purpose of the committee, which I had the honor to represent, to insert no provision in the article in reference to Local Legislation which would abridge the power of the General Assembly to enact such laws in reference to the sale of intoxicating liquors as they might deem proper. I made that statement repeatedly during my argument, and an-

nounced that I was willing to incorporate a section in my article to that effect. Now, the gentleman says that I made that proposition, in order to secure an alliance with the dispensary element to strike down the interests of the city of Mobile. I suppose that statement of mine in reference to my willingness to incorporate such a provision in reference to the sale of liquors was the basis of that statement. I desire to say the charge the gentleman makes does me gross injustice and is unwarranted, and I do not believe that the gentleman would have made it except in temper.

I desire to say furthermore, Mr. President, that the gentleman undertook to refer yesterday with contempt to my intellectual powers, and to characterize me as the great chairman of the committee, who arrogated to himself all the wisdom of the Convention. I desire to say whatever intellectual powers I may possess are from my Creator, and I am only responsible for their use. I have never used them for any other purpose except to promote the interests of the people of my State. I do not expect, nor do I suppose, any other delegate in this Convention ever expects to reach the high and lofty pinnacle of greatness upon which the distinguished delegate from Mobile sits, enthroned in solitary and cold grandeur. We common mortals, like myself, can only gaze from afar, in fear and trembling, as one who looks upon some mighty volcano, belching forth fire and smoke.

Now, sir, in reference to any threat on my part to attack the vested interests of the city of Mobile, I desire to say that this controversy is not of my seeking. I desire to say in justice to the other delegates from the city of Mobile, who are my personal friends, and from whom I have only received courtesy and kindly treatment, that I did not come to this Convention with any feeling of hostility to the great city of Mobile, but with an earnest desire to promote her prosperity and to advance the interest of every other community in our great commonwealth. I desire to say that if at any time the question as to the justice of the city of Mobile retaining part of the general funds of the State and appropriating it to



her own purposes, should be raised in this Convention, I shall then undertake to decide the controversy as becomes a delegate upon this floor, according to my conscience and my judgment, unterrified and uninfluenced by the therats or by the invective and ridicule of the mighty Ajax from the Gulf city.

#### UNFINISHED BUSINESS.

The Convention proceeded to the consideration of the unfinished business, which was the report of the Committee on Local Legislation.

The question was upon the amendment to Section 5, proposed by the Committee on Legislative Department.

Mr. O'Neal, of Lauderdale, offered the following substitute for Section 5 and the amendments:

The General Assembly may, by general law, confer upon Courts of County Commissioners, Boards of Revenue or upon such other tribunals in each county as may be created by the General Assembly, such powers of local legislation and administration touching such matters and things (which are not provided for by general law,) and are not inconsistent with the provisions of this Constitution, as the General Assembly may from time to time, deem expedient; provided such courts or tribunals shall not be authorized to exercise such powers of local legislation except during a term thereof held exclusively for that purpose; and that such terms shall not extend beyond 30 days, and shall not be held more than once in two years; but special terms of such courts for such purpose of not more than 3 days' duration may be authorized to be called at any time by the Judge of Probate upon such notice as may be prescribed by the Legislature when necessary to consider one or more special subjects of local legislation; and provided further, that the General Assembly may abolish such courts, boards or other tribunals and establish other courts or bodies with like powers in lieu thereof, when in the discretion of the General Assembly it may be deemed to be for the best interest of any county.

The substitute of Mr. O'Neal, of Lauderdale, was lost.

The question recurred upon the adoption of the substitute offered by the Legislative Department, which reads as follows:

The General Assembly shall pass general laws under which local and private interests shall be provided for and protected.

The substitute was adopted.

On motion of Mr. Oates section 5, as amended, was adopted.

#### SECTION SIX.

Sec. 6. A general law, within the meaning of this article, is a law which applies to the whole State; a local law is a law which applies to any political subdivision or subdivisions of the State less than the whole—a special or private law within the meaning of this article is one which applies to an individual, association or corporation.

Was read at length.

By unanimous consent Mr. O'Neal, of Lauderdale, inserted the words "is one" after the word "article" and before the word "which."

On motion of Mr. O'Neal, of Lauderdale, Section 6 was adopted.

Mr. Boone offered the following amendment to constitute Section 7 of the article:

Sec. 7. The courts can take judicial notice of any municipal charter.

Mr. O'Neal, of Lauderdale, moved to table the section offered by Mr. Boone.

The motion prevailed, and the section offered by Mr. Boone was laid upon the table.

Mr. Watts offered the following amendment:

Amend report of Committee on Local Legislation by adding an additional section to be known as No. 7, as follows:

Sec. 7. No bill introduced as a general law into either House of the General Assembly shall be so amended in its passage as to become a special, private or local law.

The amendment was adopted.

## ENGROSSMENT.

On motion of Mr. O'Neal, of Lauderdale, the article reported by the Committee on Local Legislation was ordered engrossed for a third reading.

## RECESS.

The hour of 1 o'clock p. m. having arrived the Convention adjourned until 3:30 this afternoon.

## AFTERNOON SESSION.

The Convention met pursuant to adjournment.

## ROLL CALL.

On a call of the roll of the Convention the following delegates answered to their names, which constituted a quorum:

Messrs. President,	Cobb,
Almon,	Cofer,
Altman,	Coleman (Walker),
Ashcraft,	Cornwell,
Banks,	Craig,
Barefield,	Cunningham,
Bartlett,	Davis (DeKalb),
Beavers,	Davis (Etowah),
Beddow,	Dent,
Blackwell,	deGraffenried,
Boone,	Eley,
Brooks,	Eyster,
Browne,	Espy,
Burnett,	Ferguson,
Burns,	Fletcher,
Byars,	Foshee,
Cardon,	Foster,
Carmichael (Colbert),	Freeman,
Carmichael (Coffee),	Gilmore,
Carnathon,	Glover,
Case,	Graham (Montgomery),
Chapman,	Graham (Talladega),

Grant,  
 Grayson,  
 Greer (Calhoun),  
 Greer (Perry),  
 Haley,  
 Handley,  
 Harrison,  
 Heflin (Chambers),  
 Heflin (Randolph),  
 Henderson,  
 Hinson,  
 Hodges,  
 Hood,  
 Howell,  
 Howze,  
 Inge,  
 Jones (Bibb),  
 Jones (Hale),  
 Jones (Montgomery),  
 Jones (Wilcox),  
 Kirk,  
 Knight,  
 Kyle,  
 Ledbetter,  
 Leigh,  
 Long (Butler),  
 Long (Walker),  
 McMillan (Baldwin),  
 McMillan (Wilcox),  
 Malone,  
 Martin,  
 Maxwell,  
 Merrill,  
 Miller (Marengo),  
 Miller (Wilcox),  
 Moody,  
 Murphree,  
 NeSmith,  
 Norman,  
 Norwood,  
 Oates,  
 O'Neal (Lauderdale),  
 O'Neill (Jefferson),

Opp,  
 Parker (Cullman),  
 Parker (Elmore),  
 Pearce,  
 Pettus,  
 Pitts,  
 Porter,  
 Proctor,  
  
 Robinson,  
 Rogers (Lowndes),  
 Rogers (Sumter),  
 Sanford,  
 Sanders,  
 Sanford,  
 Searcy,  
 Selheimer,  
 Sentell,  
 Sloan,  
 Smith (Mobile),  
 Smith, Mac. A.,  
 Smith, Morgan M.,  
 Sorrell,  
 Spears,  
 Spragins,  
 Stewart,  
 Studdard,  
 Thompson,  
 Vaughan,  
 Waddell,  
 Walker,  
 Watts,  
 Weakley,  
 Weatherly,  
 White,  
 Whiteside,  
 Willett,  
 Williams (Barbour),  
 Williams (Marengo),  
 Williams (Elmore),  
 Wilson (Washington).  
 Winn—129.

## APPOINTMENT OF COMMITTEES.

The President announced the following committee, raised under the resolution 228, providing for a committee of five, to see that all articles, ordinances, etc., are properly engrossed: Messrs. Samford, Howell, Proctor, Vaughan, Waddell.

Under the resolution 237, looking to the advisability of reducing the number of employes of the Convention, the President announced the following committee: Messrs. Howell, Cobb, deGraffenried, Boone, Cofer.

## SPECIAL ORDER.

The Convention proceeded to the consideration of the special order, which was the report of the Committee on State and County Boundaries.

Mr. Parker, of Cullman, moved that the report be considered section by section.

The motion prevailed, and the report was considered section by section.

## SECTION ONE.

Section 1. The boundaries of this State are established and declared to be as follows, that is to say:

Beginning at the point where the 31st degree of north latitude crosses the Perdido river; thence east to the western boundary line of the State of Georgia; thence along said line to the southern boundary line of the State of Tennessee, thence west along the southern boundary of the State of Tennessee, crossing the Tennessee river, and on to the second intersection of said river by said line, thence up said river to the mouth of Big Bear creek; thence by a direct line to the northwest corner of Washington county, in this State, as originally formed; thence southerly along the line of the State of Mississippi to the Gulf of Mexico; thence eastwardly, including all islands within six leagues of the shore, to the Perdido river; thence up said river to the beginning; provided, that the limits and jurisdiction of

this State shall extend to and include any other land and territory now acquired, or hereafter acquired, by contract or agreement with other States or otherwise, although such land and territory are not included within the boundaries hereinbefore designated.

Was read at length and adopted.

## SECTION TWO.

Sec. 2. The boundaries of the several counties of this State, as they now exist, are hereby ratified and confirmed.

Was read at length.

Mr. Cornwell offered the following substitute for Section 2:

Sec. 2. Until changed by the General Assembly, as allowed by this Constitution, the boundaries of the several counties of this State, as heretofore established by law, are hereby ratified and confirmed, and no new county hereafter formed shall contain less than 18,000 inhabitants; nor shall it have less assessed taxable property than \$2,000,000 as, shown by the last tax returns nor shall it contain less area than 400 square miles, and it shall be entitled to one or more Representatives under the ratio of representation existing at the time of its formation.

On motion of Mr. deGraffenried, the substitute of Mr. Cornwall was laid upon the table.

On motion Section 2 was temporarily passed.

## SECTION THREE.

Sec. 3. The General Assembly shall have the power, provided that each house by a majority of the members elected thereto shall vote in favor thereof, to submit to a vote of the people residing within the territory proposed to be taken from one county and given to another, a change or alteration in county lines, but no such change or alteration shall be made unless such proposed change or alteration shall receive two-thirds of the votes of the qualified electors voting at such election;

and, provided, that no county line shall be changed or altered so as to reduce any old county below 500 square miles, or which shall reduce the inhabitants in any such county below the number of inhabitants to entitle the county to one Representative.

Was read at length.

Mr. Howell offered the following amendment to the minority report:

Amend the amendment offered by the minority of the committee to Section 3, Article II, by striking out the words "six hundred" wherever they occur and insert in lieu thereof "four hundred."

Mr. Long, of Walker, moved to table the amendment of Mr. Howell.

The motion prevailed: Yeas, 77; nays, 36.

#### YEAS.

Messrs. Almon,	Greer (Perry),
Banks,	Harrison,
Barefield,	Heflin (Chambers),
Boone,	Heflin (Randolph),
Browne,	Henderson,
Burns,	Hodges,
Cardon,	Hood,
Carmichael (Colbert),	Howell,
Carnathan,	Inge,
Cobb,	Jenkins,
Coleman (Walker),	Jones (Montgomery),
Craig,	Jones (Wilcox),
Cunningham,	Kirk,
Davis (DeKalb),	Knight,
Dent,	Ledbetter,
deGraffenried,	Leigh,
Eyster,	Long (Walker),
Espy,	Lowe (Lawrence),
Ferguson,	McMillan (Baldwin),
Fitts,	McMillan (Wilcox),
Fletcher,	Moody,
Foster,	Maxwell,
Graham (Montgomery),	Merrill,
Graham (Talladega),	Miller (Marengo),
Grayson,	Miller (Wilcox),

Murphree,  
NeSmith,  
Norman,  
Oates,  
O'Neal (Lauderdale),  
O'Neill (Jefferson),  
Opp,  
Parker (Elmore),  
Phillips,  
Pillaus,  
Robinson,  
Samford,  
Sanders,

Sentell,  
Smith (Mobile),  
Smith, Morgan M.,  
Spragins,  
Stewart,  
Thompson,  
Vaughan,  
Waddell,  
Walker,  
Weakley,  
White,  
Williams (Barbour),  
Williams (Marengo)—77.

NAYS.

Messrs. President,  
Bartlett,  
Beavers,  
Blackwell,  
Byars,  
Carmichael (Coffee),  
Case,  
Cofer,  
Cornwell,  
Davis (Etowah),  
Eley,  
Gilmore,  
Glover,  
Grant,  
Greer (Calhoun),  
Haley,  
Howell,  
Jones (Bibb),

Jones (Hale),  
Malone,  
Martin,  
Palmer,  
Parker (Cullman),  
Pearce,  
Pettus,  
Pitts,  
Porter,  
Rogers (Lowndes),  
Rogers (Sumter),  
Sanford,  
Sloan,  
Smith, Mac. A.,  
Sorrell,  
Studdard,  
Whiteside,  
Wilson (Washington)—36.

ANNOUNCEMENT OF PAIRS.

The following pair was announced :

Messrs. Selheimer and Beddow. Mr. Selheimer would vote aye, and Mr. Beddow would vote nay.

Mr. deGraffenried offered the following amendment to the minority report of Section 3:



The General Assembly may, by a vote of two-thirds of both Houses thereof, arrange and designate boundaries for the several counties of this State, which boundaries shall not be altered, except by a like vote; but no new counties shall hereafter be formed of less extent than 600 square miles, and no existing county shall be reduced to less than 600 square miles; and no new county shall be formed which does not contain a sufficient number of inhabitants to entitle it to one Representative under the ratio of representation existing at the time of its formation, and leave the county or counties from which it is taken with the required number of inhabitants entitling such county or counties to separate representation.

#### ADJOURNMENT.

Pending the further consideration of the report of the Committee on State and County Boundaries, the hour of 6 p. m. arrived, and under the rules, the Convention adjourned until 9:30 o'clock to-morrow morning.

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#### FORTY-FOURTH DAY.

#### CONVENTION HALL.

Montgomery, Ala., Saturday, July 13, 1901.

The Convention met pursuant to adjournment.

Prayer was offered by Rev. Mr. Howell of the Convention.

#### ROLL CALL.

On a call of the roll of the Convention the following delegates answered to their names, which constituted a quorum:

Messrs. President,  
Almon,  
Ashcraft,  
Barefield,  
Beavers,  
Beddow,  
Blackwell,  
Boone,  
Brooks,  
Browne,  
Burns,  
Byars,  
Cardon,  
Carmichael (Coffee),  
Carnathon,  
Case,  
Cobb,  
Cofer,  
Coleman (Walker),  
Cunningham,  
Davis (DeKalb),  
Davis (Etowah),  
Dent,  
deGraffenried,  
Eley,  
Eyster,  
Espy,  
Ferguson,  
Fletcher,  
Foster,  
Gilmore,  
Glover,  
Graham (Montgomery),  
Graham (Talladega),  
Grant,  
Grayson,  
Greer (Calhoun),  
Haley,  
Handley,  
Heflin (Chambers),  
Heflin (Randolph),  
Henderson,

Hinson,  
Hodges,  
Hood,  
Howell,  
Howze,  
Inge,  
Jenkins,  
Jones (Bibb),  
Jones (Montgomery),  
Kirk,  
Knight,  
Leigh,  
Long (Butler),  
McMillan (Baldwin),  
McMillan (Wilcox),  
Malone,  
Martin,  
Maxwell,  
Merrill,  
Miller (Marengo),  
Miller (Wilcox),  
Moody,  
Murphree,  
NeSmith,  
Norman,  
Norwood,  
Oates,  
O'Neal (Lauderdale),  
O'Neill (Jefferson),  
Opp,  
Palmer,  
Parker (Cullman),  
Parker (Elmore),  
Pearce,  
Pettus,  
Phillips,  
Pillans,  
Porter,  
Proctor,  
Robinson,  
Rogers (Lowndes),  
Rogers (Sumter),

Samford,  
Sanders,  
Sanford,  
Smith (Mobile),  
Smith, Mac. A.,  
Sollie,  
Sorrell,  
Spragins,  
Stewart,  
Studdard,  
Thompson,

Waddell,  
Walker,  
Watts,  
Weakley,  
Weatherly,  
White,  
Whiteside,  
Williams (Barbour),  
Williams (Marengo)  
Wilson (Washington).  
Winn—106.

#### LEAVE OF ABSENCE

Was granted to Messrs. Carmichael of Colbert for to-day; Jones of Wilcox for to-day, Monday and Tuesday; Bulger for to-day and Monday; Sorrell for Monday; Cunningham for Monday and Tuesday; Tayloe for to-day; Cobb for Monday; Smith, Morgan M., of Autauga, for Monday.

#### REPORT OF JOURNAL COMMITTEE.

The chairman of the Committee on the Journal submitted the following report:

The Committee on the Journal beg leave to report that they have examined the Journal for the forty-third day of the Convention, and that the same is correct.

Respectfully submitted,

JOHN F. PROCTOR, *Chairman.*

The report of the committee was concurred in.

#### RESOLUTIONS ON FIRST READING.

The following resolutions were introduced, severally read one time at length, and referred to appropriate committees, as follows:

Resolution 242, by Mr. Rogers, of Sumter:

Resolved, That hereafter if a stenographer submits his notes to any delegate to correct his speech made by said delegate, before such speech is printed in the pub-

lie record, such stenographer shall hereafter be debarred the duties and pay of stenographer of this Convention.

The resolution was referred to the Committee on Rules.

Resolution 243, by Mr. Davis, of Etowah:

Resolved, That after Saturday, the 20th inst., the official stenographic report be discontinued.

Resolved further, That the President of this Convention be authorized and instructed to cancel the existing contract with the official stenographers in accordance with the terms of this resolution, and that he be authorized to draw his warrant in their favor for such amount as may be due said stenographers, including the week ending July 20th, 1901.

The resolution was referred to the Committee on Rules.

Resolution 244, by Mr. Oates:

Resolved, That all pairs shall be put in writing and filed with the Secretary of the Convention, who shall at the conclusion of the roll call, read the same.

The resolution was referred to the Committee on Rules.

#### ADJOURNMENT.

Mr. Samford moved that the Convention, when it adjourns to-day at 1 o'clock p. m., that it stand adjourned until Monday morning at 11 o'clock.

The motion of Mr. Samford prevailed.

On motion of Mr. deGraffenried the regular order was dispensed with, and the Convention proceeded to the consideration of the

#### UNFINISHED BUSINESS.

Which was the report of the Committee on State and County Boundaries.

The question was upon the amendment offered by Mr. deGraffenried to the minority report to Section 3.

Mr. Parker, of Cullman, moved to table the amendment offered by Mr. deGraffenried.

The motion was lost: Yeas, 45; nays, 53.

## YEAS.

Messrs. President,	Malone,
Bartlett,	Martin,
Beavers,	Miller (Wilcox),
Blackwell,	Murphree,
Boone,	Norman,
Brooks,	Norwood,
Byars,	Palmer,
Carmichael (Coffee),	Parker (Cuffman),
Cofer,	Pearce,
Davis (Etowah),	Pettus,
Eley,	Pillans,
Eyster,	Porter,
Gilmore,	Rogers (Sumter),
Glover,	Samford,
Grant,	Sanford,
Grayson,	Smith, Mac. A.
Henderson,	Sorrell,
Hinson,	Spragins,
Hodges,	Studdard,
Howell,	Thompson,
Jenkins,	Whiteside,
Jones (Montgomery),	Wilson (Washington)—45.
McMillan (Baldwin),	

## NAYS.

Messrs. Ashcraft,	Cunningham,
Banks,	Davis (DeKalb),
Barefield,	Dent,
Beddow,	deGraffenried,
Browne,	Espy,
Burns,	Ferguson,
Cardon,	Fletcher,
Carnathon,	Foster,
Case,	Graham (Talladega),
Cobb,	Greer (Perry),
Coleman (Walker),	Handley,

Heflin (Chambers),	Parker (Elmore),
Heflin (Randolph),	Phillips,
Hood,	Proctor,
Howze,	Robinson,
Inge,	Rogers (Lowndes),
Kirk,	Sanders,
Knight,	Smith (Mobile),
Leigh,	Stewart,
Macdonald,	Waddell,
Maxwell,	Walker,
Merrill,	Weakley,
Miller (Marengo),	Weatherly,
Moody,	Williams (Barbour),
O'Neal (Lauderdale),	Williams (Marengo),
O'Neill (Jefferson),	Winn--53.
Opp,	

ANNOUNCEMENT OF PAIRS.

The following pairs were announced :

Messrs. Greer of Calhoun and Almon; Haley and Carmichael, of Colbert; Jones of Bibb and Long of Walker; McMillan of Wilcox and Craig; NeSmith and Vaughan; Oates and Morrisette; Cornwell and White.

Messrs. Greer of Calhoun, Haley, Jones of Bibb, McMillan of Wilcox, NeSmith, Oates and Cornwell would vote aye; and Messrs. Almon, Carmichael of Colbert, Long of Walker, Craig, Vaughan, Morrisette and White would vote nay.

Mr. deGraffenried moved to abopt the amendment offered by himself.

The motion prevailed, and the amendment was adopted.

Yeas, 57; nays, 42.

YEAS.

Messrs. Ashcraft,	Brooks,
Banks,	Burns,
Barefield,	Cardon,
Beddow,	Carnathon,

Case,  
Cobb,  
Coleman (Walker),  
Cunningham,  
Davis (DeKalb),  
Dent,  
deGraffenried,  
Espy,  
Ferguson,  
Fletcher,  
Foster,  
Graham (Talladega),  
Greer (Perry),  
Handley,  
Heflin (Chambers),  
Heflin (Randolph),  
Hood.  
Howell,  
Howze,  
Inge,  
Kirk,  
Knight,  
Ledbetter,  
Leigh,  
Long (Butler),

Macdonald,  
Maxwell,  
Merrill,  
Miller (Marengo),  
Moody,  
Oates,  
O'Neal (Lauderdale),  
O'Neill (Jefferson),  
Opp,  
Parker (Elmore),  
Phillips,  
Proctor,  
Robinson,  
Rogers (Lowndes),  
Sanders,  
Stewart,  
Waddell,  
Walker,  
Watts,  
Weakley,  
Weatherly,  
Williams (Barbour),  
Williams (Marengo),  
Winn—57.

## NAYS.

Messrs. President,  
Bartlett,  
Beavers,  
Blackwell,  
Boone,  
Byars,  
Carmichael (Coffee),  
Cofer,  
Davis (Etowah),  
Eley,  
Evster,  
Gilmore,  
Glover,

Grant,  
Grayson,  
Henderson,  
Hinson,  
Hodges,  
Jenkins,  
Jones (Montgomery),  
McMillan (Baldwin),  
Malone,  
Martin,  
Miller (Wilcox),  
Murphree,  
Norman,

Norwood,  
Palmer,  
Parker (Cullman),  
Pearce,  
Pettus,  
Porter,  
Rogers (Sumter),  
Samford,

Sanford,  
Smith, Mac. A.,  
Sorrell,  
Spragins.  
Studdard,  
Thompson,  
Whiteside,  
Wilson (Washington)—42.

ANNOUNCEMENT OF PAIRS.

The following pairs were announced:

Messrs. Almon and Greer of Calhoun; Long of Walker and Jones of Bibb; Craig and McMillan of Wilcox; Vaughan and NeSmith; White and Cornwell.

Messrs. Almon, Long of Walker, Craig, Vaughan and White would vote aye; and Messrs. Greer of Calhoun, Jones of Bibb, McMillan of Wilcox, NeSmith and Cornwell would vote nay.

RECONSIDERATION.

Mr. Howell gave notice that on Monday he would move to reconsider the vote by which the substitute for Section 3 was adopted.

Mr. Malone offered the following amendment to Section 3:

Provided, that out of the counties of Henry, Dale and Geneva, a new county may be formed under the provisions of this article for forming new counties, so as to leave said counties of Henry, Dale and Geneva with not less than 500 square miles each.

Mr. Sollie moved to postpone the further consideration of Section 3 and pending amendments until the latter part of next week.

On motion of Mr. Malone, the motion of Mr. Sollie was laid upon the table.

RECONSIDERATION.

Mr. Sollie gave notice that on Monday he would move to reconsider the vote by which the amendment of Mr. Malone was adopted.



Mr. Malone moved to suspend the rules and immediately consider the motion of Mr. Sollie to reconsider the vote by which the amendment was adopted.

The motion prevailed, and the rules were suspended.

Mr. Carmichael of Coffee moved to table the motion of Mr. Sollie.

The motion prevailed, and the motion to reconsider was laid upon the table.

The question recurred upon the adoption of Section 2.

On motion Section 2 was adopted.

The question recurred upon the adoption of Section 3 as amended.

On motion Section 3 as amended was adopted.

#### SECTION FOUR.

Sec. 4. The General Assembly shall have power, provided that each House, by a majority of its members elected thereto, shall vote in favor therefor, to submit to a vote of the people within the boundaries of the proposed new county, the creation and formation of new counties, but no new county shall be created, unless such proposed new county shall receive two-thirds of the votes of the qualified electors voting at such election; and at the same time the question of a name and a county seat for such county shall be submitted to and determined by said electors; and, provided, that no new county shall be created or formed of less extent than 500 square miles, and which does not contain a sufficient number of inhabitants to entitle it to one Representative under the ratio of representation existing at the time of its creation, and leave the county or counties from which it is taken with the required number of inhabitants entitling such county or counties to separate representation, or which shall reduce any old county below 500 square miles.

Was read at length.

The minority report to Section 4 was taken up.

Mr. Cobb moved to table Section 4 and the pending minority reports.

The motion prevailed and Section 4 and the pending minority reports thereto were laid upon the table.

#### RECONSIDERATION.

Mr. Sanford gave notice that, on to-morrow he would move to reconsider the vote by which Section 4 and pending minority reports were laid upon the table.

The Chair called the attention of the Convention to the fact that the minority reports to Section 2 had not been disposed of.

Mr. Cobb thereupon moved to reconsider the vote by which Section 2 was adopted.

The motion prevailed.

Mr. Parker of Cullman moved to table the minority reports relative to Section 2.

The motion prevailed, and the minority reports were laid upon the table.

On motion of Mr. Parker of Cullman Section 2 was adopted.

#### SECTION FIVE.

Sec. 5. No county line shall be altered or changed or in the creation of new counties shall be established so as to run within seven miles of the county court house of any old county.

Was read at length.

Mr. Samford moved to table Section 5.

The motion was lost.

On motion of Mr. Parker of Cullman Section 5 was adopted.

#### ADJOURNMENT.

The hour of 1 o'clock having arrived, under the motion previously adopted, the Convention adjourned to meet on Monday at 11 o'clock.

## FORTY-FIFTH DAY.

## CONVENTION HALL.

Montgomery, Ala., Monday, July 15, 1901.

The Convention met pursuant to adjournment.  
Prayer was offered by Rev. Mr. McDaniel of the city.

## ROLL CALL.

On a call of the roll of the Convention the following delegates answered to their names, which constituted a quorum :

Messrs. President,	Duke,
Ashcraft,	Eley,
Banks,	Fitts,
Barefield,	Fletcher,
Bartlett,	Foshec,
Beavers,	Gilmore,
Beddow,	Glover,
Bethune,	Graham (Montgomery),
Blackwell,	Grant,
Boone,	Grayson,
Brooks,	Greer (Calhoun),
Browne,	Greer (Perry),
Bulger,	Handley,
Burns,	Harrison,
Byars,	Heflin (Randolph),
Cardon,	Henderson,
Carnathon,	Hinson,
Case,	Hodges,
Chapman,	Howell,
Cofer,	Howze,
Coleman (Greene),	Inge,
Davis (DeKalb),	Jones (Bibb),
Davis (Etowah),	Jones (Hale),
Dent,	Jones (Montgomery),
deGraffenried,	Kirk,

Knight,  
 Leigh,  
 Locklin,  
 Lomax,  
 Long (Butler),  
 Long (Walker),  
 Lowe (Jefferson),  
 Macdonald,  
 McMillan (Baldwin),  
 Malone,  
 Martin,  
 Maxwell,  
 Merrill,  
 Miller (Marengo),  
 Miller (Wilcox),  
 Moody,  
 Murphree,  
 NeSmith,  
 Norman,  
 Norwood,  
 Oates,  
 O'Neal (Lauderdale),  
 Opp,  
 O'Rear,  
 Palmer,  
 Parker (Cullman),  
 Parker (Elmore),  
 Pearce,  
 Pettus,  
 Phillips,  
 Pitts,

Porter,  
 Proctor,  
 Reese,  
 Reynolds (Chilton),  
 Robinson,  
 Rogers (Sumter),  
 Samford,  
 Sanford,  
 Sentell,  
 Smith (Mobile),  
 Smith, Mac. A.,  
 Smith, Morgan M.,  
 Sollie,  
 Spears,  
 Spragins,  
 Stewart,  
 Studdard,  
 Tayloe,  
 Thompson,  
 Waddell,  
 Walker,  
 Watts,  
 Weakley,  
 Weatherly,  
 White,  
 Whiteside,  
 Williams (Barbour),  
 Williams (Marengo),  
 Wilson (Washington),  
 Winn—112.

LEAVE OF ABSENCE.

Was granted to Messrs. Hood Ferguson, Pillans, Eyster, Haley, Carmichael of Colbert, for to-day; McMillan of Wilcox, to-day and to-morrow; Jenkins and Lowe of Lawrence indefinitely on account of sickness, and to Mr. Searcey for to-day.

## REPORT OF THE COMMITTEE ON THE JOURNAL.

The chairman of the Committee on Journal submitted the following report, which was concurred in:

The Committee on the Journal beg leave to report that they have examined the Journal for the forty-fourth day of the Convention, and that the same is correct.

Respectfully submitted,

JOHN F. PROCTOR, *Chairman.*

## RESOLUTIONS ON FIRST READING.

The following resolution was introduced, severally read one time at length, and referred to appropriate committees as follows:

Resolution 245, by Mr. Brooks:

Resolved, That it is the sense of this Convention that all discussions relating to the amendment and revision of the Constitution should be free from caucus dictation operating upon the judgment and conscience of the delegates; that the proper forum of such discussions is the Convention, and that the proper method of giving effect to the wishes and interests of the people through their Constitution is by the free and unrestricted action of their individual representatives in Convention assembled.

The resolution was referred to the Committee on Rules.

## ORDINANCES ON FIRST READING.

The following ordinance was introduced, severally read one time and referred to appropriate committee as follows:

Ordinance 420, by Mr. Burns:

The General Assembly or Legislature shall enact laws for the purpose of effectually enforcing the lien of agricultural, mechanical and railroad employees, upon the products of their manual labor.

The ordinance was referred to the Committee on Legislative Department.

## RECONSIDERATION.

Mr. Howell moved to reconsider the vote by which Section 3 of Article II, reported by the Committee on State and County Boundaries, was adopted.

On motion of Mr. Moody the motion to reconsider was tabled.

## REPORT OF STANDING COMMITTEES.

Mr. Heflin, of Randolph, chairman of the Committee on Schedules, Printing and Incidental Expenses, returned to the Convention resolution 219 without recommendation.

The resolution was placed on the calendar.

## UNFINISHED BUSINESS.

The Convention proceeded to the consideration of the unfinished business, which was the report of the Committee on State and County Boundaries.

## SECTION SIX.

Sec. 6. No county site shall be removed except by a two-thirds vote of the qualified electors of said county, voting in an election held for said purpose, and when an election has once been held for such purpose, no other election can be held for such purpose until the expiration of four years; provided, that the county site of Shelby county, of this State, shall be and remain at Columbiana, unless removed by a vote of the people, as provided for in an act entitled "An act to provide for the permanent location of the county site of Shelby county, Alabama, by a vote of the qualified electors of said county," approved the 9th day of February, 1899, and the act amendatory thereto, approved the 20th day of February, 1899, or by an election held under the provisions of this article.

Was read at length.

The following minority report to Section 6 was read at length as follows:

*Mr. President:*

We, the undersigned members of the Committee on State and County Boundaries, do not concur with the majority in that part of Section 6 which refers to the Shelby County Court House. And we offer as an amendment to Section 6 of the majority report, that all that part of Section 6 which refers to the Shelby County Court House be stricken out.

J. O. SENTELL,

J. A. GILMORE.

Mr. Browne moved to table the minority report.

The motion prevailed, and the minority report was laid upon the table: Yeas, 73; nays, 30.

YEAS.

Messrs. Ashcraft,  
Bartlett,  
Beavers,  
Bethune,  
Blackwell,  
Boone,  
Brooks,  
Browne,  
Bulger,  
Burns,  
Carnathon,  
Case,  
Chapman,  
Davis (Etowah),  
Dent,  
deGraffenried,  
Foshee,  
Grant,  
Grayson,  
Greer (Calhoun).  
Handley,

Heflin (Randolph),  
Henderson,  
Hodges,  
Howell,  
Howze,  
Iuge,  
Jones (Bibb),  
Jones (Hale),  
Jones (Montgomery),  
Kirk,  
Knight,  
Leigh,  
McMillan (Baldwin),  
Malone,  
Martin,  
Maxwell,  
Miller (Marengo),  
Miller (Wilcox),  
Murphree,  
Norman,  
Norwood,

•O'Neal (Lauderdale),	Sanford,
Opp,	Smith (Mobile),
•O'Rear,	Smith, Morgan M.
Palmer,	Spears,
Parker (Cullman),	Spragins,
Parker (Elmore),	Stewart,
Pearce,	Studdard,
Pettus,	Tayloe,
Phillips,	Thompson,
Pitts,	Waddell,
Porter,	Weakley,
Reese,	Weatherly,
Reynolds (Chilton),	Whiteside,
Robinson,	Williams (Barbour),
Rogers (Sumter),	Winn—73.
Samford,	

NAYS

Messrs. Banks,	Heflin (Chambers),
Barefield,	Locklin,
Beddow,	Lomax,
Byars,	Long (Walker),
•Cofer,	Lowe (Jefferson),
Coleman (Greene),	Merrill,
Davis (DeKalb),	Oates,
Duke,	Proctor.
Eley,	Smith, Mac. A.,
Fitts,	Sollie,
Fletcher,	Walker,
•Glover,	Watts,
Graham (Montgomery).	Williams (Marengo),
•Greer (Perry),	Williams (Elmore),
Harrison,	Wilson (Washington)—30.

ANNOUNCEMENT OF PAIRS.

The following pairs were announced:

Messrs. Sorrell, Cardon, McMillan of Wilcox, Gilmore, Moody, Almon, Graham of Talladega, and Selltell; Messrs Sorrell, McMillan of Wilcox; Moody and



Graham of Talladega would vote aye; and Messrs. Cardon, Gilmore, Almon and Sentell would vote nay.

Mr. Whiteside offered the following amendment to Section 6:

Amend Section 6 of Article II, reported by Committee on State and County Boundaries, by striking out the word "two-thirds" in the first line of said section.

On motion of Mr. O'Neal, of Lauderdale, the amendment of Mr. Whiteside was laid upon the table.

Mr. Pearce offered the following amendment to Section 6:

Amend Section 6 by striking out the words "two-thirds" in the first line, and inserting in lieu thereof the word "majority."

#### RECESS.

Pending the further consideration of the report of the Committee on State and County Boundaries, the hour of 1 o'clock p. m. having arrived, under the rules, the Convention recessed until 3:30 this evening.

#### AFTERNOON SESSION.

The Convention met pursuant to adjournment.

#### ROLL CALL.

On a call of the roll of the Convention the following delegates answered to their names, which constituted a quorum:

Messrs. President,	Browne,
Ashcraft,	Bulger,
Banks,	Burnett,
Barefield,	Burns,
Bartlett,	Bvars,
Beavers,	Cardon,
Beddow,	Carmichael (Colbert),
Bethune,	Carmichael (Coffee),
Blackwell,	Carnathon,
Boone,	Case,
Brooks,	Chapman,

Cofer,  
 Coleman (Greene),  
 Davis (DeKalb),  
 Davis (Etowah),  
 Dent,  
 deGraffenried,  
 Duke,  
 Eley,  
 Fletcher,  
 Foshee,  
 Foster,  
 Glover,  
 Grant,  
 Grayson,  
 Greer (Calhoun),  
 Greer (Perry),  
 Harrison,  
 Heflin (Chambers),  
 Heflin (Randolph),  
 Henderson,  
 Hinson,  
 Hodges,  
 Howell,  
 Howze,  
 Inge,  
 Jones (Hale),  
 Jones (Montgomery),  
 Kirk,  
 Knight,  
 Kyle,  
 Ledbetter,  
 Leigh,  
 Locklin,  
 Lomax,  
 Long (Butler),  
 Long (Walker),  
 Lowe (Jefferson),  
 Macdonald,  
 McMillan (Baldwin),  
 Malone,  
 Martin,  
 Maxwell,  
 Merrill,

Miller (Marengo),  
 Miller (Wilcox),  
 NeSmith,  
 Norman,  
 Norwood,  
 Oates,  
 O'Neal (Lauderdale),  
 O'Neill (Jefferson),  
 Opp,  
 O'Rear,  
 Palmer,  
 Parker (Cullman),  
 Parker (Elmore),  
 Pearce,  
 Pettus,  
 Phillips,  
 Porter,  
 Reynolds (Chilton),  
 Robinson,  
 Rogers (Lowndes),  
 Rogers (Sumter),  
 Sanford,  
 Sanford,  
 Sentell,  
 Smith (Mobile),  
 Smith, Mac. A.,  
 Smith, Morgan M.,  
 Spears,  
 Spragins,  
 Stewart,  
 Studdard,  
 Tayloe,  
 Thompson,  
 Waddell,  
 Walker,  
 Weakley,  
 White,  
 Whiteside,  
 Williams (Barbour),  
 Williams (Marengo),  
 Williams (Elmore),  
 Wilson (Washington)—107

## UNFINISHED BUSINESS.

The Convention proceeded to the consideration of the unfinished business, which was the report of the Committee on State and County Boundaries.

The question was upon the amendment offered by Mr. Pearce.

Mr. O'Neal moved to table the amendment offered by Mr. Pearce.

The motion was lost: Yeas, 45; nays, 59.

## YEAS.

Messrs. Ashcraft,  
Banks,  
Blackwell,  
Brooks,  
Bulger,  
Cardon,  
Carnathon,  
Davis (DeKalb),  
Davis, (Etowah),  
Dent,  
deGraffenried,  
Eley,  
Fletcher,  
Foshee,  
Grayson,  
Haley,  
Harrison,  
Hinson,  
Howze,  
Inge,  
Knight,  
Leigh,  
Miller (Marengo),

Miller (Wilcox),  
Moody,  
Murphree,  
Norman,  
Norwood,  
Oates,  
O'Neal (Lauderdale),  
Opp,  
Palmer,  
Parker (Cullman),  
Parker (Elmore),  
Phillips,  
Sentell,  
Spragins,  
Stewart,  
Thompson,  
Waddell,  
Walker,  
Weakley,  
White,  
Williams (Barbour),  
Williams (Elmore)—45.

## NAYS.

Messrs. President,  
Barefield,  
Bartlett,

Beavers,  
Reddow,  
Bethune,

Boone,	Lowe (Jefferson),
Browne,	Macdonald,
Burns,	Malone,
Byars,	Martin,
Case,	Merrill,
Chapman,	O'Rear,
Cofer,	Pearce,
Coleman (Greene),	Pettus,
Duke,	Pitts,
Foster,	Porter,
Glover,	Proctor,
Graham (Montgomery),	Reese,
Grant,	Reynolds (Chilton),
Greer (Perry),	Robinson,
Handley,	Rogers (Sumter),
Heflin (Chambers),	Samford,
Heflin (Randolph),	Sanford,
Henderson,	Smith (Mobile),
Hodges,	Smith, Mac. A.,
Howell,	Smith, Morgan M.,
Jones (Bibb),	Spears,
Jones (Hale),	Studdard,
Jones (Montgomery),	Tayloe,
Kirk,	Watts,
Ledbetter,	Whiteside,
Locklin,	Wilson (Washington)—59.
Long (Walker),	

The question recurred upon the adoption of the amendment offered by Mr. Pearce.

On motion of Mr. Pearce the amendment was adopted. Section 6, as amended, was thereupon adopted.

#### ENGROSSMENT.

Mr. Parker of Cullman moved that the article on State and County Boundaries be engrossed and ordered to a third reading.

The motion prevailed, and the article was engrossed for a third reading.

## SPECIAL ORDER.

The Convention proceeded to the consideration of the special order, which was the report of the Committee on Banks and Banking.

On motion of Mr. Fletcher, the report was considered section by section.

## SECTION ONE.

Was read at length as follows and adopted:

## Sec. 1. Subdivision Banks and Banking.

The General Assembly shall not have the power to establish or incorporate any bank or banking company or money institution, for the purpose of issuing bills of credit, or bills payable to order or bearer, except under the conditions prescribed in this Constitution.

## SECTION TWO.

Was read at length as follows:

Sec. 2. No bank shall be established otherwise than under a general banking law, nor otherwise than upon a specie basis.

Mr. Oates offered the following amendment to Section 2:

Amend Section 2 of Article XIV by adding to said section the following:

Provided, That any bank may be established with authority to issue bills to circulate as money an equal amount to the face value of bonds of the United States, or of this State, convertible into specie at their face value, which shall, before such bank is authorized to issue its bills for circulation, be deposited with the State Treasurer or other depository prescribed by law, in an amount equal to the aggregate of such proposed issue, with power in such treasurer or depository to dispose of any or all of such bonds for a sufficient amount of specie to redeem the circulating notes of such bank at any time and without delay, should such bank suspend specie payment or fail to redeem its notes on demand.

Mr. Fletcher moved to table the amendment offered by Mr. Oates.

The motion was lost.

The amendment of Mr. Oates was adopted.

Section 2, as amended, was thereupon adopted.

### SECTION THREE.

Sec. 3. All bills or notes issued as money shall be at all times redeemable in gold or silver, and no law shall be passed sanctioning, directly or indirectly, the suspension of any bank or banking company of specie payment.

Was read at length and adopted.

### SECTION FOUR.

Was read at length as follows:

Sec. 4. Holders of bank notes and depositors who have not stipulated for interest, shall, for such notes and deposits, be entitled in case of insolvency, to the preference of payment over all other creditors.

Mr. Watts offered the following amendment to Section 4:

Amend Section 4, report Committee on Banks and Banking, by adding to the end thereof the following: "Provided this section applies to incorporated banks only."

Mr. Williams, of Marengo, offered the following substitute for the amendment offered by Mr. Watts:

"Provided this section shall apply to all banks, whether incorporated or not."

The substitute was adopted.

Section 4, as amended, was, on motion of Mr. Fletcher, adopted.

### SECTION FIVE.

Was read at length as follows and adopted:

Sec. 5. Every bank or banking company shall be required to cease all banking operations within twenty

years from the time of its organization (unless the General Assembly shall extend the time), and promptly thereafter close its business; but shall have corporate capacity to sue, and shall be liable to suits until its affairs and liabilities are fully closed.

#### SECTION SIX.

Was read at length as follows and adopted:

Sec. 6. No banks shall receive, directly or indirectly, a greater rate of interest than shall be allowed by law to individuals for lending money.

#### SECTION SEVEN.

Was read at length as follows:

Sec. 7. The State shall not be a stockholder in any bank, nor the credit of the State ever be given, or loaned, to any banking company, association or corporation.

Mr. Watts offered the following amendment to Section 7, which was adopted:

Amend Section 7, report Committee on Banks and Banking, as follows: Strike out the words "The State shall not," and in lieu thereof insert "neither the State nor any political subdivision thereof shall," and insert the word "shall" between "nor" and "the credit" in line one.

On motion of Mr. Fletcher, Section 7, as amended, was adopted.

#### SECTION EIGHT.

Was read at length as follows:

Sec. 8. The General Assembly shall, by appropriate laws, provide for the examination by some public officer, of all banks and banking institutions and trust companies engaged in banking business in this State.

Mr. Davis, of Etowah, offered the following amendment to Section 8:

Amend Section 8, Article XIV, by adding at the end of section the following words: "And each of such

banks, companies or institutions shall, through its president or such other officer as the General Assembly may designate, under oath, make a report of its resources and liabilities at least twice a year."

Mr. Ashcraft offered the following substitute for the original section and pending amendment:

Amend Article XIV as reported by the Committee by striking out Section 8 thereof.

On motion of Mr. Malone the substitute offered by Mr. Ashcraft was laid upon the table.

The question recurred upon the adoption of the amendment offered by Mr. Davis, of Etowah.

The amendment of Mr. Davis, of Etowah, was, on motion of Mr. Fletcher, adopted.

Section 8, as amended, was thereupon adopted.

#### RECONSIDERATION.

Mr. Rogers, of Sumter, gave notice that on to-morrow he would move to reconsider the vote by which Section 8 was adopted.

Mr. Reynolds, of Chilton, offered the following amendment to constitute a new section to the article on Banks and Banking:

To amend the report of Committee on Banks and Banking by adding an additional section to be known as Section No. 9, as follows:

Sec. 9. If necessary for the payment of any creditor or depositor of an incorporated bank, each holder of stock therein shall be held liable for double the amount of stock so held by said stockholder in said bank.

On motion of Mr. Knight the amendment was laid upon the table.

Mr. Williams, of Marengo, offered the following amendment, to constitute a new section to the article on Banks and Banking:

Amend the article on Banks and Banking by adding Section —.

That the provisions of Section 8 of this article shall apply to all banks, trust companies and individuals



doing a banking business, except national banks, whether incorporated or not.

Mr. Fletcher moved to table the amendment offered by Mr. Williams, of Marengo.

The motion to table was lost.

The question recurred upon the adoption of the amendment offered by Mr. Williams, of Marengo.

On motion the amendment was adopted.

#### ENGROSSMENT.

On motion of Mr. Fletcher, the article on Banks and Banking was ordered engrossed for a third reading.

#### ADJOURNMENT.

On motion of Mr. Davis, of Etowah, the Convention adjourned until to-morrow morning at 9:30 o'clock.

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### FORTY-SIXTH DAY.

#### CONVENTION HALL.

Montgomery, Ala., Tuesday, July 16, 1901.

The Convention met pursuant to adjournment.

Prayer was offered by Rev. Mr. McDaniel of the city.

#### ROLL CALL.

On a call of the roll of the Convention the following delegates answered to their names, which constituted a quorum :

Byars,  
Messrs. President,  
Banks,  
Barefield,  
Bartlett,  
Beavers,  
Beddow,

Blackwell,  
Boone,  
Brooks,  
Browne,  
Bulger,  
Burnett,  
Burns,

Byars,  
Cardon,  
Carnathon,  
Case,  
Chapman,  
Cobb,  
Cofer,  
Coleman (Greene),  
Davis (DeKalb),  
Davis (Etowah),  
Dent,  
deGraffenried,  
Duke.  
Eley,  
Eyster,  
Espy,  
Ferguson,  
Fitts,  
Fletcher,  
Foshee,  
Foster,  
Freeman,  
Gilmore,  
Glover,  
Graham (Montgomery),  
Grant,  
Grayson,  
Greer (Calhoun),  
Greer (Perry),  
Haley,  
Handley,  
Harrison,  
Heflin (Chambers),  
Heflin (Randolph),  
Henderson,  
Hodges,  
Hood.  
Howell,  
Howze,  
Inge.  
Jones (Bibb),  
Jones (Hale),

Jones (Montgomery),  
Jones (Wilcox),  
Kirk,  
Knight,  
Ledbetter,  
Leigh,  
Locklin,  
Lomax,  
Long (Butler),  
Lowe (Jefferson),  
Macdonald,  
McMillan (Baldwin),  
McMillan (Wilcox),  
Malone,  
Martin,  
Maxwell,  
Merrill,  
Miller (Marengo),  
Miller (Wilcox),  
Moody,  
Murphree,  
NeSmith,  
Norman,  
Norwood,  
Oates,  
O'Neal (Lauderdale),  
O'Neill (Jefferson),  
Opp,  
O'Rear,  
Palmer,  
Parker (Cullman),  
Pearce,  
Pettus,  
Phillips,  
Pillans,  
Pitts,  
Porter,  
Procter,  
Reese.  
Renfro,  
Reynolds (Chilton),  
Reynolds (Henry),

Robinson,  
 Rogers (Lowndes),  
 Rogers (Sumter),  
 Samford,  
 Sanders,  
 Sanford,  
 Searcy,  
 Selheimer,  
 Sentell,  
 Sloan,  
 Smith (Mobile),  
 Smith, Morgan M.,  
 Sollie,  
 Sorrell,  
 Spears,  
 Spragins,  
 Stewart,  
 Studdard,

Tayloe,  
 Thompson,  
 Vaughan,  
 Waddell,  
 Walker,  
 Watts,  
 Weakley,  
 Weatherly,  
 White,  
 Whiteside,  
 Willett,  
 Williams (Barbour),  
 Williams (Marengo),  
 Williams (Elmore),  
 Wilson (Washington).  
 Wilson (Washington).  
 Winn—133.

#### LEAVE OF ABSENCE.

Was granted to Messrs. Ashcraft for to-day and to-morrow morning until 12 o'clock m.; Beavers indefinitely; Mac. A. Smith today; and Graham, of Talladega, for to-day; Parker of Cullman for to-day; Sollie and Kirkland for this afternoon, Thursday and Friday.

#### REPORT OF THE COMMITTEE ON THE JOURNAL.

The chairman of the Committee on the Journal submitted the following report, which was concurred in:

The Committee on the Journal beg leave to report that they have examined the Journal for the forty-fifth day of the Convention and that the same is correct.

Respectfully submitted.

JOHN F. PROCTOR, *Chairman.*

#### RESOLUTIONS ON FIRST READING.

The following resolutions were introduced, severally read one time at length, and referred to appropriate committees as follows:

Resolution 246, by Mr. Samford:

Resolved, That the General Assembly of this State is hereby instructed, at its next session, to reduce the tag tax on fertilizers to an amount not to exceed 10 cents per ton.

The resolution was referred to the Committee on Amending Constitution and Miscellaneous Provisions.

Resolution 247, by Mr. Reese:

Whereas, Our distinguished citizen and statesman, the Hon. James L. Pugh, now lies upon a bed of sickness;

Resolved, by the people of Alabama, in Convention assembled, That the sympathy of the Convention is extended to our valued citizen, together with its hope for his speedy recovery.

On motion of Mr. Reese, the rules were suspended and the resolution 247 was adopted by a rising vote.

#### STENOGRAPHIC REPORT.

Messrs. Banks and Long of Walker called the attention of the Convention to certain errors in the stenographic report of yesterday.

The report was ordered corrected.

#### REPORT OF COMMITTEE ON RULES.

Mr. Knox, chairman of the Committee on Rules, reported the following resolution, which was adopted:

Resolution 248:

Resolved, That the report of the Committee on Suffrage be taken up for consideration by the Convention after the reading of the Journal on Tuesday, July 23d, unless sooner reached in its regular order; provided that if the Convention, on that day, has under consideration the report of any other standing committee, such report shall be laid aside and shall be again taken up as soon as the article on Suffrage and Elections has been disposed of.

## CHANGE OF VOTE.

Mr. Banks stated that on yesterday he was recorded as voting nay on the adoption of Section 6 of the Article reported by the Committee on State and County Boundaries, and he desired to have his vote changed from nay to aye, as he voted under a misapprehension.

He was granted leave to change his vote, and the Journal was ordered corrected.

## QUESTION OF PERSONAL PRIVILEGE.

Messrs. Kirkland and Malone arose to questions of personal privilege and stated their question of personal privilege.

## RECONSIDERATION.

Mr. Rogers, of Sumter, moved to reconsider the vote by which Section 8 of the article reported by the Committee on Banks and Banking was adopted on yesterday.

On motion of Mr. Fletcher the motion of Mr. Rogers, of Sumter, was laid upon the table.

Mr. Wilson, of Washington, moved to reconsider the vote by which Section 6 of the article reported by the Committee on State and County Boundaries was adopted on yesterday.

On motion of Mr. Thompson the motion of Mr. Wilson, of Washington, was laid upon the table.

## REPORT OF SPECIAL COMMITTEE.

Mr. Howell, chairman of the special committee, submitted the following report:

*Mr. President:*

The special committee to whom was referred the matter of cutting down expenses by dispensing with some of the employees of the Convention, have carefully and impartially considered the same, and a majority of whom desire to submit the following report, and recommend the adoption of the same. We recommend:

First—The dispensing of all clerks of committees after to-day except the clerks of the following standing committees:

(1) On Rules.

(2) On Order, Harmony and Consistency of the Whole Constitution.

(3) On Suffrage and Elections.

(4) On the Journal.

And these clerks who are retained are expected to serve other committees when necessary.

(5) We recommend that the two messengers be dispensed with, as we have assurances that the postmaster of this city, under the free delivery system, will deliver the mail here three times a day, and carry off what mail matter to be sent off.

(6) We further recommend that five of the ten pages be dispensed with, and in order that each one of these pages have an equal chance to be retained, we suggest and recommend the following plan, that the Secretary and assistant secretary, in the presence of the President of this Convention, write the names of the ten pages upon slips of paper and place these slips in a hat and then let the Secretary draw out the slips and the first five names drawn out shall be those who are retained as pages.

(7) We recommend that the clerical force in the office of the Secretary of this Convention be retained.

The aggregate reduction in expenses by the reduction of employes here recommended will be \$26 per day.

Very respectfully,

W. P. HOWELL,

J. E. COBB,

B. B. BOONE, *Committee.*

Mr. deGraffenried offered the following minority report to the report of the special committee:

#### MINORITY REPORT.

Your undersigned member of this committee regrets to say that he is unable to concur with the other members

of the committee in their recommendation that the pages selected by this Convention shall be reduced to five in number; and I recommend in lieu thereof that the pages which have been selected to wait on this Convention shall be retained.

Since the organization of this Convention many of the committees have made their reports and the members of the Convention have ceased to offer ordinances for the consideration of the Convention.

For this reason I am of the opinion that the clerks recommended by the committees to be discharged can be dispensed with, but the same conditions, so far as the service of the pages is concerned, that existed when the Convention was organized, still exists.

Respectfully submitted,

ED. DEGRAFFENRIED.

Mr. Williams, of Marengo, offered the following amendment to the minority report, which was adopted:

Move to amend minority report by adding thereto: "And the messengers" after the word "pages" wherever it appears.

The question recurred upon the adoption of the minority report, as amended.

On motion of Mr. deGraffenried, the minority report was adopted.

Mr. Harrison offered the following amendment to the majority report, which was accepted by the committee:

Amend so as to allow the clerk of the Committee on Corporations to be retained by said committee during the present week or until the report of said committee has been made.

Mr. Oates offered the following amendment to the majority report, which was accepted by the committee:

Amend by retaining clerk of Legislative Department until report is finished.

Mr. Cofer moved to table the report of the special committee and amendments.

The motion was lost.

The question recurred upon the adoption of the report of the committee, as amended.

On motion of Mr. Howze the report of the special committee, as amended, was adopted.

SPECIAL ORDER.

The Convention proceeded to the consideration of the special order, which was the report of the Committee on Legislative Department.

Thereupon the ordinance was ordered read by sections.

ARTICLE —

LEGISLATIVE DEPARTMENT.

SECTION ONE.

Section 1. The legislative power of this State shall be vested in a Legislature, which shall consist of a Senate and House of Representatives.

Was read at length.

Mr. Harrison offered the following amendment to Section 1:

Amend Section 1 by striking out the word "Legislature" where the same occurs therein, and insert in lieu thereof the words "General Assembly."

On motion of Mr. Beddow the amendment of Mr. Harrison was laid upon the table.

On motion of Mr. Oates, Section 1 was adopted.

SECTION TWO.

Was read at length as follows:

Sec. 2. The style of the laws of this State shall be: "Be it enacted by the Legislature of Alabama," which shall not be repeated, but the act shall be divided into sections for convenience, according to substance, and the sections designated merely by figures.

Each law shall contain but one subject, which shall be clearly expressed in its title, except general appropriation bills, general revenue bills, and bills adopting



a code, digest, or revision of statute; and no law shall be revived, amended or the provisions thereof extended or conferred, by reference to its title only; but so much thereof as is revived, amended, extended, or conferred, shall be reënacted and published at length.

Mr. Jones, of Montgomery, offered the following amendment to Section 2:

Amend Section 2 by striking out the word "shall" and inserting the word "need" in place thereof, in line five.

The amendment offered by Mr. Jones, of Montgomery, was adopted.

Mr. O'Neal, of Lauderdale, offered the following amendment to Section 2:

Amend Section 2 by striking out the word "Legislature of Alabama," in first and second lines and adding in lieu thereof the words "General Assembly."

On motion of Mr. Oates the amendment of Mr. O'Neal of Lauderdale was laid upon the table.

On motion of Mr. Oates Section 2, as amended, was adopted.

### SECTION THREE.

Was read at length as follows:

Sec. 3. Senators and Representatives shall be elected by the qualified electors on the first Monday in August, nineteen hundred and two, and every four years thereafter, unless the Legislature shall change the time of holding elections; the terms of office of the Senators and Representatives shall be four years, commencing on the day after the general election, except as otherwise provided in this Constitution. Whenever a vacancy shall occur in either House the Governor shall issue a writ of election to fill such vacancy for the remainder of the term.

Mr. Brooks offered the following amendment to Section 3:

Amend Section 3 of report of Committee on Legislative Department:

Strike out all after the section number and insert the following: Senators and Representatives elected by the qualified electors on the first Monday in August, 1902, and every two years thereafter, unless the Legislature shall change the time of holding elections. The terms of office of the Senators shall be four years, commencing on the day after the general election, except as otherwise provided in this Constitution; whenever a vacancy shall occur in either House the Governor shall issue a writ of election to fill such vacancy for the remainder of the term.

On motion of Mr. deGraffenried the amendment of Mr. Brooks was laid upon the table.

Mr. Harrison offered the following amendment to Section 3:

Amend Section 3 by striking out the words "first Monday in August," where they occur therein, and insert in lieu thereof the following, to-wit: Tuesday after the first Monday in November.

Mr. Reese moved to table the amendment offered by Mr. Harrison.

The motion of Mr. Reese was lost.

The question recurred upon the adoption of the amendment of Mr. Harrison.

On motion of Mr. Oates the amendment of Mr. Harrison was adopted.

Mr. Browne moved to take from the table the amendment offered by Mr. Brooks to Section 3.

The motion was lost: Yeas, 23; nays, 96.

#### YEAS.

Messrs. Brooks,	Lomax,
Browne,	Martin,
Byars,	Moody,
Foster,	O'Neal (Lauderdale),
Grayson,	Rogers (Lowndes),
Greer (Perry),	Sanford,
Heflin (Chambers),	Selheimer,
Heflin (Randolph),	Sollie,
Jones (Montgomery).	Spears,

Tayloe,  
Thompson,  
Watts,

White,  
Williams (Barbour)—23.

## NAYS

Messrs. President,  
Banks,  
Barefield,  
Bartlett,  
Beddow,  
Bethune,  
Blackwell,  
Boone,  
Bulger,  
Burns,  
Cardon,  
Carnathon,  
Case,  
Cobb,  
Cofer,  
Coleman (Greene),  
Davis (DeKalb),  
Davis (Etowah),  
Dent,  
deGraffenried,  
Duke,  
Eley,  
Eyster,  
Espy,  
Ferguson,  
Fletcher,  
Foshee,  
Freeman,  
Gilmore,  
Glover,  
Graham (Montgomery),  
Greer (Calhoun),  
Haley,  
Handley,  
Harrison,

Hodges,  
Hood,  
Howell,  
Howze,  
Inge,  
Jones (Bibb),  
Jones (Hale),  
Kirk,  
Kirkland,  
Knight,  
Ledbetter,  
Leigh,  
Locklin,  
Lowe (Jefferson),  
Macdonald,  
McMillan (Baldwin),  
Malone,  
Maxwell,  
Merrill,  
Miller (Marengo),  
Miller (Wilcox),  
Murphree,  
NeSmith,  
Norman,  
Norwood,  
Oates,  
Opp,  
O'Rear,  
Palmer,  
Parker (Elmore),  
Pearce,  
Pettus,  
Phillips,  
Pillans,  
Pitts,

Porter,  
Reese,  
Reynolds (Chilton),  
Reynolds (Henry),  
Robinson,  
Rogers (Sumter),  
Samford,  
Searcy,  
Sentell,  
Smith (Mobile),  
Smith. Morgan M.,  
Sorrell,  
Spragins,

Stewart,  
Studdard,  
Vaughan,  
Waddell,  
Walker,  
Weakley,  
Whiteside,  
Willett,  
Williams (Marengo),  
Wilson (Clarke).  
Wilson (Washington).  
Winn—96.

Section 3, as amended, was, on motion of Mr. Oates, adopted.

#### RECONSIDERATION.

Mr. Reese gave notice that on to-morrow he would move to reconsider the vote by which Section 3 was adopted.

#### RECESS.

Pending the further consideration of the report of the Committee on Legislative Department, the hour of 1 o'clock p. m. arrived, and under the rules the Convention recessed until 3:30 o'clock this afternoon.

#### AFTERNOON SESSION.

The Convention met pursuant to adjournment.

#### ROLL CALL.

On a call of the roll of the Convention the following delegates answered to their names, which constituted a quorum:

Messrs. President,	Grant,
Banks,	Grayson,
Barefield,	Greer (Calhoun),
Bartlett,	Greer (Perry),
Beavers,	Haley,
Beddow,	Handley,
Bethune,	Harrison,
Blackwell,	Heflin (Chambers),
Boone,	Heflin (Randolph),
Brooks,	Henderson,
Browne,	Hinson,
Bulger,	Hodges,
Burnett,	Hood,
Burns,	Howell,
Byars,	Howze,
Cardon,	Inge,
Carmichael (Colbert),	Jones (Bibb),
Carnathon,	Jones (Hale),
Case,	Jones (Montgomery),
Chapman,	Kirk,
Cobb,	Kirkland,
Cofer,	Knight,
Coleman (Greene),	Leigh,
Cornwell,	Locklin,
Davis (DeKalb),	Lomax,
Davis (Etowah),	Long (Butler),
Dent,	Long (Walker),
deGraffenried,	Lowe (Jefferson),
Dent,	Lowe (Lawrence),
Eley,	Macdonald,
Eyster,	McMillan (Baldwin),
Espy,	McMillan (Wilcox),
Ferguson,	Malone,
Fitts,	Martin,
Fletcher,	Maxwell,
Foshee,	Merrill,
Foster,	Miller (Marengo),
Freeman,	Miller (Wilcox),
Gilmore,	Moody,
Glover,	Morrisette,
Graham (Montgomery),	Mulkey,

Murphree,	Searcy,
NeSmith,	Selheimer,
Norman,	Sentell,
Norwood,	Sloan,
Oates,	Smith (Mobile),
O'Neal (Lauderdale),	Smith, Morgan M.,
Opp,	Sorrell,
O'Rear,	Stewart,
Palmer,	Studdard,
Parker (Cullman),	Taylor,
Pettus,	Thompson,
Phillips,	Vaughan,
Pillans,	Walker,
Pitts,	Watts,
Porter,	Weakley,
Proctor,	Weatherly,
Reese,	White,
Renfro,	Whiteside,
Reynolds (Henry),	Willetts,
Robinson,	Williams (Barbour),
Rogers (Lowndes),	Williams (Marengo).
Rogers (Sumter),	Wilson (Clarke).
Samford,	Wilson (Washington).
Sanders,	Winn—131.
Sanford,	

## ORDINANCE ON THIRD READING.

Mr. Lomax moved that the ordinance on Preamble and Declaration of Rights be taken up and ordered to a third reading.

The motion prevailed and the ordinance was read a third time at length as follows:

An ordinance adopting a Preamble and Declaration of Rights for the Constitution of the State of Alabama.

Be it ordained by the people of the State of Alabama, in Convention assembled, that the following shall be the Preamble and Declaration of Rights of the Constitution of this State:

## PREAMBLE.

An ordinance adopting a Preamble and Declaration of Rights for the Constitution of the State of Alabama.

Be it ordained by the people of the State of Alabama, in Convention assembled, that the following shall be the Preamble and Declaration of Rights of the Constitution of this State:

## PREAMBLE.

We, the people of the State of Alabama, in order to establish justice, ensure domestic tranquility, and secure the blessings of liberty to ourselves and our posterity invoking the favor and guidance of Almighty God—do ordain and establish the following Constitution and form of government for the State of Alabama:

## ARTICLE —.

## DECLARATION OF RIGHTS.

That the great, general and essential principles of liberty and free government may be recognized and established, we declare:

1. That all men are equally free and independent; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty and the pursuit of happiness.

2. That all political power is inherent in the people, and all free governments are founded on their authority, and instituted for their benefit; and that, therefore, they have at all times an inalienable and indefeasible right to change their form of government in such manner as they may deem expedient.

3. That no religion shall be established by law; that no preference shall be given by law to any religious sect, society, denomination or mode of worship; that no one shall be compelled by law to attend any place of worship; nor pay any tithes, taxes or other rate for the

building or repairing any place of worship, or for maintaining any minister or ministry; that no religious test shall be required as a qualification to any office or public trust under this State; and that the civil rights, privileges and capacities of any citizen shall not be in any manner affected by his religious principles.

4. That no law shall ever be passed to curtail or restrain the liberty of speech or of the press; and any person may speak, write and publish his sentiments on all subjects, being responsible for the abuse of that liberty.

5. That the people shall be secure in their persons, houses, papers and possessions from unreasonable seizure or searches, and that no warrants shall issue to search any place or to seize any person or thing without probable cause, supported by oath or affirmation.

6. That in all criminal prosecutions, the accused has a right to be heard by himself and counsel or either; to demand the nature and cause of the accusation; to have a copy thereof; to be confronted by the witnesses against him; to have compulsory process for obtaining witnesses in his favor; to testify in all cases, in his own behalf, if he elects so to do; and, in all prosecutions by indictment, a speedy, public trial, by an impartial jury of the county or district in which the offense was committed; and that he shall not be compelled to give evidence against himself, nor be deprived of life, liberty or property but by due process of law; but the General Assembly may, by a general law, provide for a change of venue for the defendant in all prosecutions by indictment, and that such change of venue on application of the defendant, may be heard and determined without the personal presence of the defendant so applying therefor; provided that at the time of the application for the change of venue the defendant is imprisoned in jail or some legal place of confinement.

7. That no person shall be accused or arrested, or detained except in cases ascertained by law, and according to the form which the same has prescribed; and no person shall be punished but by virtue of a law established and promulgated prior to the offense and legally applied.



8. That no person shall, for any indictable offense, be proceeded against criminally, by information, except in cases arising in the militia and volunteer forces when in actual service, or when assembled under arms as a military organization, or by leave of the court, for misfeasance, misdemeanor, extortion and oppression in office otherwise than is provided in this Constitution; provided that in cases of misdemeanor, the General Assembly may, by law, dispense with a Grand Jury, and authorize such prosecutions and proceedings before Justices of the Peace or such other inferior courts as may be by law established.

9. That no person shall, for the same offense, be twice put in jeopardy of life or limb; but courts may, for reasons fixed by law, discharge juries from the consideration of any case, and no person shall gain any advantage by reason of such discharge of the jury.

10. That no person shall be barred from prosecuting or defending before any tribunal in this State, by himself or counsel, any civil cause to which he is a party.

11. That the right of trial by jury shall remain inviolate.

12. That in all prosecutions for libel or for the publication of papers investigating the official conduct of officers of men in public capacity, or when the matter published is proper for public information, the truth thereof may be given in evidence; and that in all indictments for libel, the jury shall have the right to determine the law and the facts under the direction of the court.

13. That all courts shall be open; and that every person, for any injury done him, in his lands, goods, person or reputation, shall have a remedy by due process of law; and right and justice shall be administered without sale, denial or delay.

14. That the State of Alabama shall never be made a defendant in any court of law or equity.

15. That excessive fines shall not be imposed, nor cruel or unusual punishments inflicted.

16. That all persons shall, before conviction, be bailable by sufficient sureties, except for capital offenses,

when the proof is evident or the presumption great; and that excessive bail shall not in any case be required.

17. That the privilege of the writ of habeas corpus shall not be suspended by the authorities of this State.

18. That treason against the State shall consist only in levying war against it, or adhering to its enemies, giving them aid and comfort; and that no person shall be convicted of treason, except on the testimony of two witnesses to the same overt act, or his own confession in open court.

19. That no person shall be attainted of treason by the General Assembly; and that no conviction shall work corruption of blood or forfeiture of estate.

20. That no person shall be imprisoned for debt.

21. That no power of suspending laws shall be exercised except by the General Assembly.

22. That no *ex post facto* law, or any law, impairing the obligation of contracts, or making any irrevocable or exclusive grants of special privileges or immunities, shall be passed by the General Assembly; and every grant of a franchise, privilege or immunity, shall forever remain subject to revocation, alteration or amendment.

23. That the exercise of the right of eminent domain shall never be abridged nor so construed as to prevent the General Assembly from taking the property and franchises of incorporated companies and subjecting them to public use the same as individuals. But private property shall not be taken or applied for public use, unless just compensation be first made therefor; nor shall private property be taken for private use or for the use of corporations, other than municipal, without the consent of the owner; provided, however, that the General Assembly may, by law, secure the persons or corporations the right of way over the lands of other persons or corporations, and by general laws provide for and regulate the exercise by person and corporation of the rights herein reserved; but just compensation shall, in all cases, be first made to the owner; and, provided that the right of eminent domain shall not be so construed as to allow taxation or forced subscription for the benefit of

railroads or any other kind of corporation, other than municipal, or for the benefit of any individual or association.

24. That all navigable waters shall remain forever public highways, free to the citizens of the State, and of the United States, without tax, impost or toll; and that no tax, toll, impost or wharfage shall be demanded or received for the owner of any merchandise or commodity for the use of the shores, or any wharf erected on the shores, or in or over the waters of any navigable stream, unless the same be expressly authorized by law.

25. That the citizens have a right, in a peaceable manner to assemble together for the common good, and to apply to those invested with the power of government for redress of grievances or other purposes, by petition, address or remonstrance.

26. That every citizen has a right to bear arms in defense of himself and the State.

27. That no standing army shall be kept up without the consent of the General Assembly, and in that case, no appropriation for its support shall be made for a longer term than one year; and the military shall, in all cases and at all times, be in strict subordination to the civil power.

28. That no soldier shall, in time of peace, be quartered in any house without the consent of the owner, nor in time of war but in a manner to be prescribed by law.

29. That no title of nobility or hereditary distinction, privilege, honor or emolument, shall ever be granted or conferred in this State; and that no office shall be created, the appointment to which shall be for a longer time than during good behavior.

30. That immigration shall be encouraged; emigration shall not be prohibited, and that no citizen shall be exiled.

31. That temporary absence from the State shall not cause a forfeiture of residence once obtained.

32. That no form of slavery shall exist in this State; and there shall not be any involuntary servitude, other-

wise than for the punishment of crime, of which the party shall have been duly convicted.

33. The privilege of suffrage shall be protected by laws regulating elections, and prohibiting, under adequate penalties, all undue influences from power, bribery, tumult or other improper conduct.

34. Foreigners who are, or who may hereafter become bona fide residents of this State, shall enjoy the same rights in respect to the possession, enjoyment and inheritance of property, as native born citizens.

35. That the sole object and only legitimate end of government is to protect the citizen in the enjoyment of life, liberty and property, and when the government assumes other functions, it is usurpation and oppression.

36. In the government of this State, except in the instances in this Constitution hereinafter expressly directed or permitted, the Legislative Department shall never exercise the Executive or Judicial powers, or either of them; the Executive shall never exercise the Legislative and Judicial powers, or either of them; the Judicial shall never exercise the Legislative and Executive powers, or either of them; to the end that it may be a government of laws and not of men.

37. That this enumeration of certain rights shall not impair or deny others retained by the people; and, to guard against any encroachments on the rights herein retained, we declare that everything in this Declaration of Rights is excepted out of the general powers of government, and shall forever remain inviolate.

Mr. Lomax moved that the ordinance be adopted.

The motion prevailed: Yeas, 117; nays, 2.

#### YEAS.

Messrs. President,  
Banks,  
Barefield,  
Bartlett,  
Beddow,  
Bethune,

Blackwell,  
Boone,  
Brooks,  
Bulger,  
Burns,  
Cardon,

Carmichael (Colbert),  
Carnathon,  
Case,  
Chapman,  
Cobb,  
Cofer,  
Coleman (Greene),  
Cornwell,  
Davis (DeKalb),  
Davis (Etowah),  
Dent,  
deGraffenried,  
Duke,  
Eley,  
Eyster,  
Espy,  
Ferguson,  
Fitts,  
Fletcher,  
Foshee,  
Foster,  
Freeman,  
Gilmore,  
Glover,  
Grayson,  
Greer (Calhoun),  
Greer (Perry),  
Haley,  
Handley,  
Harrison,  
Heflin (Chambers),  
Heflin (Randolph),  
Hodges,  
Hood,  
Howell,  
Howze,  
Inge,  
Jones (Bibb),  
Jones (Hale),  
Jones (Montgomery),  
Kirk,

Knight,  
Ledbetter,  
Leigh,  
Locklin,  
Lomax,  
Long (Butler),  
Long (Walker),  
Lowe (Jefferson),  
Macdonald,  
McMillan (Baldwin),  
Malone,  
Martin,  
Maxwell,  
Merrill,  
Miller (Marengo),  
Miller (Wilcox),  
Moody,  
Murphree,  
NeSmith,  
Norman,  
Norwood,  
Oates,  
O'Neal (Lauderdale),  
O'Neill (Jefferson),  
Opp,  
O'Rear,  
Palmer,  
Pearce,  
Pettus,  
Pillans,  
Pitts,  
Porter,  
Proctor,  
Reese,  
Reynolds (Henry),  
Robinson,  
Rogers (Lowndes),  
Rogers (Sumter),  
Samford,  
Sanders,  
Sanford,

Searcy,  
Selheimer,  
Sentell,  
Smith (Mobile),  
Smith, Morgan M.,  
Sorrell,  
Spragins,  
Stewart,  
Studdard,  
Tayloe,  
Thompson,  
Vaughan,

Waddell,  
Walker,  
Watts,  
Weakley,  
Weatherly,  
White,  
Whiteside,  
Williams (Barbour),  
Wilson (Clarke),  
Wilson (Washington).  
Winn—117.

## NAYS.

Messrs. Byars,

Willett—2.

The ordinance was referred to the Committee on Order, Consistency and Harmony of the Whole Constitution.

## UNFINISHED BUSINESS.

The Convention proceeded to the consideration of the unfinished business, which was the report of the Committee on Legislative Department.

## SECTION FOUR.

Was read at length as follows:

Sec. 4. Senators shall be at least twenty-seven years of age, and Representatives twenty-one years of age; they shall have been citizens and inhabitants of their respective counties or districts one year next before their election, if such county or district shall have been so long established; but if not, then of the county or district from which the same shall have been taken; and they shall reside in their respective counties or districts during their terms of service.

Mr. Rogers, of Lowndes, offered the following amendment to Section 4, which was adopted:

Substitute word "residents" in line two for the word "inhabitants."

Mr. Duke offered the following amendment to Section 4:

Amend Section 4 of Article on Legislative Department by striking out the word "twenty-seven" in the first line of said section and inserting in lieu thereof the word "twenty-five."

On motion of Mr. Oates the amendment of Mr. Duke was adopted.

Mr. Eyster offered the following amendment to Section 4:

Amend by striking out "twenty-one" in the first and second lines and insert in lieu thereof the words "twenty-five."

On motion of Mr. Pettus the amendment of Mr. Eyster was laid on the table.

Mr. Burns offered the following amendment to Section 4:

Shall have been a white qualified elector and electors for three years.

On motion of Mr. Samford, the amendment of Mr. Burns was laid upon the table.

Mr. Oates offered the following amendment to Section 4:

Amend by adding after the word "citizens" in line two of the printed copy the following: "And residents of this State for three years."

The amendment of Mr. Oates was adopted.

Mr. Burns offered the following amendment to Section 4:

Strike out resident and citizen and insert qualified elector.

On motion of Mr. Oates the amendment of Mr. Burns was laid upon the table.

On motion of Mr. Oates Section 4, as amended, was adopted.

#### SECTION FIVE.

Was read at length as follows:

Sec. 5. The Legislature shall meet quadrennially, at the Capitol in the Senate Chamber and in the Hall of

the House of Representatives, (except in cases of the destruction of the Capitol, or epidemics, when the Governor may convene them at such place in the State as he may deem best), on the day specified in this Constitution, or on such other day as may be prescribed by law; and shall not remain in session longer than sixty days at the first session held under this Constitution, nor longer than fifty days at any subsequent session.

Mr. Williams, of Barbour, offered the following amendment to Section 5:

Amend Section 5 by striking out the word "quadrennially" and inserting in the place of the same the word "biennially."

Mr. Long, of Walker, offered the following substitute for the amendment offered by Mr. Williams of Barbour:

Amend Section 5 by striking out the word "quadrennially" in the first line and inserting "biennially" instead; also by striking the word "fifty" in the sixth and inserting the words "twenty-five" in lieu thereof.

Mr. Rogers, of Sumter, demanded the previous question upon Section 5, and the pending amendments.

The question recurred upon the substitute for the amendment.

Mr. Lowe, of Jefferson, asked for a discussion of the question contained in the substitute for the amendment.

The Chair held that Mr. Lowe, of Jefferson, was out of order in that the substitute for the amendment contained but one proposition and could not be divided.

Mr. Lowe, of Jefferson, thereupon appealed from the decision of the Chair.

The Chair was sustained.

The question recurred upon the substitute offered by Mr. Long, of Walker, for the amendment offered by Mr. Williams, of Barbour.

The substitute offered by Mr. Long, of Walker, was lost: Yeas, 15; nays, 105.



## YEAS.

Messrs. Bartlett,  
Beddow,  
Carmichael (Colbert),  
Grayson,  
Haley,  
Harrison,  
Henderson,  
Hinson,

Jones (Bibb),  
Ledbetter,  
Long (Walker),  
O'Neill (Jefferson),  
Sanford,  
Waddell,  
Winn—15.

## NAYS.

Messrs. President,  
Banks,  
Barefield,  
Bethune,  
Blackwell,  
Boone,  
Brooks,  
Browne,  
Bulger,  
Byars,  
Carnathon,  
Case,  
Chapman,  
Cobb,  
Cofer,  
Coleman (Greene),  
Cornwell,  
Davis (DeKalb),  
Davis (Etowah),  
Duke,  
Eley,  
Eyster,  
Espy,  
Ferguson,  
Fitts,  
Fletcher,  
Foshee,  
Foster,

Freeman,  
Gilmore,  
Glover,  
Graham (Montgomery),  
Greer (Calhoun),  
Greer (Perry),  
Handley,  
Heflin (Chambers),  
Heflin (Randolph),  
Hodges,  
Hood,  
Howell,  
Howze,  
Inge,  
Jones (Hale),  
Jones (Montgomery),  
Kirk,  
Knight,  
Leigh,  
Locklin,  
Long (Butler),  
Lowe (Jefferson),  
McMillan (Baldwin),  
Malone,  
Martin,  
Maxwell,  
Merrill,  
Miller (Marengo),

Miller (Wilcox),	Searcy,
Moody,	Selheimer,
Murphree,	Sentell,
NeSmith,	Sloan,
Norman,	Smith (Mobile),
Norwood,	Smith, Morgan M.,
Oates,	Sorrell,
O'Neal (Lauderdale),	Spears,
O'Rear,	Spragins,
Palmer,	Stewart,
Parker (Elmore),	Studdard,
Pearce,	Tayloe,
Pettus,	Thompson,
Phillips,	Vaughan,
Pillans,	Walker,
Porter,	Watts,
Proctor,	Weakley,
Reese,	Weatherly,
Reynolds (Henry),	White,
Robinson,	Whiteside,
Rogers (Lowndes),	Williams (Barbour),
Rogers (Sumter),	Williams (Marengo),
Samford,	Wilson (Clarke),
Sanders,	Wilson (Washington)—105

The question recurred upon the adoption of the amendment offered by Mr. Williams, of Barbour.

The amendment of Mr. Willams, of Barbour, was lost: Yeas, 48; nays, 76.

YEAS.

Messrs. Banks,	Cobb,
Beddow,	Duke,
Brooks,	Eyster,
Bulger,	Espy,
Burns,	Foshee,
Byars,	Foster,
Cardon,	Grayson,
Carmichael (Colbert),	Greer (Perry),
Case,	Haley,

Handley,  
 Heflin (Chambers),  
 Heflin (Randolph),  
 Hood,  
 Howell,  
 Jones (Bibb),  
 Jones (Montgomery),  
 Leebetter,  
 Leign,  
 Long (Walker),  
 Lowe (Jefferson),  
 Martin,  
 Moody,  
 O'Neill (Jefferson),  
 Parker (Elmore),

Phillips,  
 Proctor,  
 Robinson,  
 Rogers (Lowndes),  
 Sanford,  
 Sanford,  
 Selheimer,  
 Sollie,  
 Spears,  
 Thompson,  
 Watts,  
 Weakley,  
 White,  
 Williams (Barbour),  
 Winn—48.

#### NAYS

Messrs. President,  
 Barefield,  
 Bartlett,  
 Bethune,  
 Blackwell,  
 Boone,  
 Browne,  
 Carnation,  
 Chapman,  
 Cofer,  
 Coleman (Greene),  
 Cornwell,  
 Davis (DeKalb),  
 Davis (Etowah),  
 Eley,  
 Ferguson,  
 Fitts,  
 Fletcher,  
 Freeman,  
 Gilmore,  
 Glover,  
 Graham (Montgomery),  
 Greer (Calhoun),

Harrison,  
 Henderson,  
 Hinson,  
 Hodges,  
 Howze,  
 Inge,  
 Jones (Hale),  
 Kirk,  
 Knight,  
 Locklin,  
 Long (Butler),  
 McMillan (Baldwin),  
 Malone,  
 Maxwell,  
 Merrill,  
 Miller (Marengo),  
 Miller (Wilcox),  
 Murphree,  
 NeSmith,  
 Norman,  
 Norwood,  
 Oates,  
 O'Neal (Lauderdale).

Opp,	Smith (Mobile),
O'Rear,	Smith, Morgan M.,
Palmer,	Sorrell,
Pearce,	Spragins,
Pettus,	Stewart,
Pillans,	Studdard,
Pitts,	Tayloe,
Porter,	Vaughan,
Reese,	Waddell,
Reynolds (Henry),	Walker,
Rogers (Sumter),	Weatherly,
Sanders,	Whiteside,
Searcy,	Williams (Marengo)
Sentell,	Wilson (Clarke),
Sloan,	Wilson (Washington)—76.

## RECONSIDERATION.

Mr. Rogers, of Sumter, moved to reconsider the vote by which the amendment of Mr. Williams, of Barbour, was lost, and then moved to lay his motion to reconsider on the table; and for that purpose he moved a suspension of the rules.

The yeas and nays were demanded on the suspension of the rules.

The motion to suspend the rules was lost: Yeas, 65; nays, 55.

## YEAS.

Messrs. President,	Cornwell,
Bethune,	Davis (DeKalb),
Blackwell,	Davis (Etowah),
<b>Boone,</b>	Eley,
Browne,	Espy,
Byars,	Ferguson,
Carnathon,	Fitts.
Case,	Fletcher,
Chapman,	Foshee,
Cofer,	Gilmore,
Coleman (Greene),	Glover,

Greer (Calhoun),  
 Harrison,  
 Hodges,  
 Howze,  
 Inge,  
 Jones (Bibb),  
 Jones (Hale),  
 Kirk,  
 Leigh,  
 Locklin,  
 McMillan (Baldwin),  
 Malone,  
 Maxwell,  
 Merrill,  
 Miller (Marengo),  
 Miller (Wilcox),  
 Murphree,  
 Norman,  
 Norwood,  
 Oates,  
 O'Rear,  
 Palmer,

Pearce,  
 Phillips,  
 Pillans,  
 Pitts,  
 Porter,  
 Reynolds (Henry),  
 Rogers (Sumter),  
 Sanders,  
 Searcy,  
 Sentell,  
 Sorrell,  
 Spragins,  
 Stewart,  
 Studdard,  
 Vaughan,  
 Waddell,  
 Walker,  
 Weatherly,  
 Whiteside,  
 Williams (Marengo),  
 Winn—65.

#### NAYS.

Messrs. Banks,  
 Barefield,  
 Bartlett,  
 Beddow,  
 Brooks,  
 Bulger,  
 Burns,  
 Cardon,  
 Carmichael (Colbert),  
 Cobb,  
 Duke,  
 Eyster,  
 Foster,  
 Freeman,  
 Graham (Montgomery),  
 Grayson,

(Greer (Perry),  
 Haley,  
 Heflin (Chambers),  
 Heflin (Randolph),  
 Henderson,  
 Hinson,  
 Hood,  
 Howell,  
 Jones (Montgomery),  
 Ledbetter,  
 Long (Butler),  
 Long (Walker),  
 Lowe (Jefferson),  
 Martin,  
 Moody,  
 NeSmith,

O'Neal (Lauderdale),	Smith (Mobile),
O'Neill (Jefferson),	Sollie,
Parker (Elmore),	Spears,
Opp,	Tayloe,
Pettus,	Thompson,
Proctor,	Watts,
Reese,	Weakley,
Robinson,	White,
Rogers (Lowndes),	Williams (Barbour),
Samford,	Wilson (Clarke),
Sanford,	Wilson (Washington)--55.
Selheimer,	

Mr. Wilson, of Clarke, raised the point of order that it did not require a suspension of the rules to reconsider a vote upon any incidental or subsidiary question, but that such questions could be reconsidered when the motion to reconsider was made.

The point of order was sustained.

The question recurred upon the motion of Mr. Rogers of Sumter to table the motion to reconsider the vote by which the amendment of Mr. Williams, of Barbour, was lost.

The motion to reconsider was laid upon the table.

On motion of Mr. Rogers, of Sumter, Section 5 was adopted.

#### RECONSIDERATION.

Messrs. Sollie, O'Neal of Lauderdale, and Burns gave notice that on to-morrow they would move to reconsider the vote by which Section 5 was adopted.

#### ADJOURNMENT.

Pending the further consideration of the report of the Committee on Legislative Department, the hour of 6 o'clock p. m. arrived, and under the rules, the Convention adjourned until 9:30 o'clock to-morrow morning.

## FORTY-SEVENTH DAY.

## CONVENTION HALL.

Montgomery, Ala., Wednesday, July 17, 1901.

The Convention met pursuant to adjournment.

Prayer was offered by Rev. Mr. McDaniel of the city.

## ROLL CALL.

On a call of the roll of the Convention the following delegates answered to their names, which constituted a quorum :

Messrs. President,	Duke,
Banks,	Eley,
Barefield,	Eyster,
Bartlett,	Espy,
Beddow,	Ferguson,
Bethune,	Fitts,
Blackwell,	Fletcher,
Boone,	Foshee,
Brooks,	Foster,
Browne,	Freeman,
Bulger,	Gilmore,
Burnett,	Glover,
Burns,	Graham (Montgomery),
Byars,	Graham (Talladega),
Cardon,	Grayson,
Carmichael (Colbert),	Greer (Calhoun),
Case,	Haley,
Chapman,	Handley,
Cobb,	Harrison,
Coleman (Greene),	Heflin (Chambers),
Coleman (Walker),	Heflin (Randolph),
Cornwell,	Hinson,
Craig,	Hodges,
Davis (DeKalb),	Hood,
Davis (Etowah),	Howell,
Dent,	Howze,

Inge,  
 Jackson,  
 Jones (Bibb),  
 Jones (Hale),  
 Jones (Montgomery),  
 Jones (Wilcox),  
 Kirk,  
 Kirkland,  
 Knight,  
 Leigh,  
 Locklin,  
 Lomax,  
 Long (Butler),  
 Long (Walker),  
 Lowe (Jefferson),  
 Macdonald,  
 McMillan (Baldwin),  
 McMillan (Wilcox),  
 Malone,  
 Martin,  
 Maxwell,  
 Merrill,  
 Miller (Marengo),  
 Miller (Wilcox),  
 Moody,  
 Murphree,  
 NeSmith,  
 Norman,  
 Norwood,  
 Oates,  
 O'Neal (Lauderdale),  
 O'Neill (Jefferson),  
 Opp,  
 O'Rear,  
 Palmer,  
 Parker (Elmore);  
 Pearce,  
 Pillans,  
 Pitts,

Porter,  
 Proctor,  
 Reese,  
 Reynolds (Chilton),  
 Reynolds (Henry),  
 Robinson,  
 Rogers (Lowndes),  
 Rogers (Sumter),  
 Samford,  
 Sanford,  
 Searcy,  
 Selheimer,  
 Sentell,  
 Sloan,  
 Smith (Mobile),  
 Smith, Mac. A.,  
 Smith, Morgan M.,  
 Sollie,  
 Sorrell,  
 Spragins,  
 Stewart,  
 Studdard,  
 Tayloe,  
 Thompson,  
 Vaughan,  
 Waddell,  
 Walker,  
 Watts,  
 Weakley,  
 Weatherly,  
 White,  
 Whiteside,  
 Willett,  
 Williams (Barbour),  
 Williams (Marengo),  
 Wilson (Clarke),  
 Wilson (Washington),  
 Winn—129.



## LEAVES OF ABSENCE.

Was granted to Messrs. Graham of Montgomery for to-day, and to Mr. Carnation indefinitely; to Mr. Kyle of Etowah for to-day and Sanders for last Monday and yesterday; to Mr. Bethune for Thursday, Friday and Saturday.

The chairman of the Committee on the Journal submitted the following report, which was concurred in:

The Committee on the Journal beg leave to report that they have examined the Journal for the forty-sixth day of the Convention and that the same is correct.

Respectfully submitted,

JOHN F. PROCTOR, *Chairman.*

## RESOLUTIONS ON FIRST READING.

The following resolutions were introduced, severally read one time at length and referred to appropriate committees, as follows:

Resolution 249, by Mr. Williams, of Marengo:

Be it resolved, That on motions to reconsider, 20 minutes, and no more, shall be allowed to each side for speech making, and thereupon a vote shall be taken.

The resolution was referred to the Committee on Rules.

Resolution 250, by Mr. Burns:

Resolved, That no delegate shall, at the close of his remarks or speech, make a motion to lay on the table, or call for the previous question.

The resolution was referred to the Committee on Rules.

## STENOGRAPHIC REPORT.

Mr. Chapman called the attention of the Convention to a certain error in the stenographic report of the proceedings of yesterday.

The report was ordered corrected.

## RECONSIDERATION.

Mr. Jones, of Montgomery, moved to reconsider the vote by which Section 5 of the article reported by the Committee on Legislative Department was adopted on yesterday.

Mr. Rogers, of Sumter, moved to table the motion of Mr. Jones, of Montgomery, to reconsider.  
Yeas, 67; nays, 55.

## YEAS.

Messrs. President,  
Barefield,  
Bethune,  
Blackwell,  
Boone,  
Browne,  
Burnett,  
Case,  
Chapman,  
Coleman (Greene),  
Craig,  
Davis (DeKalb),  
Eley,  
Espy,  
Ferguson,  
Fitts,  
Fletcher,  
Gilmore,  
Glover,  
Graham (Talladega),  
Greer (Calhoun),  
Hodges,  
Howze,  
Inge,  
Jones (Hale),  
Jones (Wilcox),  
Kirk,  
Kirkland,  
Locklin,

Macdonald,  
McMillan (Baldwin),  
McMillan (Wilcox),  
Malone,  
Maxwell,  
Miller (Marengo),  
Miller (Wilcox),  
Murphree,  
NeSmith,  
Norman,  
Norwood,  
Oates,  
O'Rear,  
Pearce,  
Pettus,  
Pillans,  
Pitts,  
Porter,  
Reynolds (Chilton),  
Reynolds (Henry),  
Rogers (Sumter),  
Sanders,  
Searcy,  
Sentell,  
Sloan,  
Smith, Mac. A.,  
Smith, Morgan M.,  
Sorrell,  
Spragins,

Stewart,  
Studdard,  
Tayloe,  
Vaughan,  
Waddell,

Walker,  
Weatherly,  
Whiteside,  
Williams (Marengo)—67.

# NAYS.

Messrs. Banks,  
Bartlett,  
Beddow,  
Brooks,  
Bulger,  
Burns,  
Byars,  
Cardon,  
Carmichael (Colbert),  
Cobb,  
Davis (Etowah),  
Duke,  
Foshee,  
Foster,  
Freeman,  
Grayson,  
Haley,  
Handley,  
Harrison,  
Heflin (Chambers),  
Heflin (Randolph),  
Hinson,  
Hood,  
Howell,  
Jackson,  
Jones (Bibb),  
Jones (Montgomery),  
Knight,

Leigh,  
Lomax,  
Long (Walker),  
Lowe (Jefferson),  
Martin,  
Moody,  
O'Neal (Lauderdale),  
O'Neill (Jefferson),  
Opp,  
Palmer,  
Parker (Elmore),  
Proctor,  
Robinson,  
Rogers (Lowndes),  
Sanford,  
Selheimer,  
Smith (Mobile),  
Sollie,  
Spears,  
Thompson,  
Watts,  
Weakley,  
Willett,  
Williams (Barbour),  
Wilson (Clarke),  
Wilson (Washington),  
Winn—55.

# PAIRS ANNOUNCED.

The following pair was announced :

Messrs. Cornwell and White. Mr. Cornwell would vote aye, and Mr. White would vote nay.

QUESTION OF PERSONAL PRIVILEGE.

Mr. Beddow arose to a question of personal privilege and stated his question of privilege.

REPORT OF STANDING COMMITTEES.

Mr. Heflin, of Randolph, chairman of the Committee on Schedule, Printing and Incidental Expenses, called up for adoption the report of said Committee.

The report was read at length as follows, and adopted, and the President was authorized to draw a warrant on the State Auditor for the several amounts and in favor of the several firms and persons mentioned in said report.

REPORT OF THE COMMITTEE ON SCHEDULES, PRINTING  
AND INCIDENTAL EXPENSES.

*Mr. President:*

The Committee on Schedule, Printing and Incidental Expenses have instructed me to make the following partial report, viz.:

The committee has audited the accounts hereto attached, and find that the State of Alabama is indebted to the Brown Printing Co., of Montgomery, Ala., in the sum of \$176.90 for printing;

We find that the said State is indebted to J. W. Terry, of Montgomery, Ala., for the use of a typewriter from May 24th to June 24th, in the sum of \$5.

We find that the said State is indebted to Ed C. Fowler Co., of Montgomery, Ala., in the sum of \$8.60.

We find that the said State is indebted to J. W. Terry of Montgomery, Ala., in the sum of \$16 for services rendered Rules Committee up to May 27th, 1901.

We find that said State is indebted to W. W. Haygood of Montgomery, Ala., in the sum of \$1.25.

We find that said State is indebted to Miss Eunice Richards for typewriting done for the Committee on Preamble and Declaration of Rights in the sum of \$7.50.

We find that said State is indebted to Marshall & Bruce Co., of Nashville, Tenn., in the sum of \$48.25.

We find that the said State is indebted to Ed C. Fowler Co., of Montgomery, Ala., in the sum of \$4.75.

We find that the said State is indebted to Jos. E. Longstreet in the sum of \$8 for services rendered to the Committee on Suffrage and Elections, in making 54 copies of the report of said committee.

We find that said State is indebted to Miss Georgia Connelly in the sum of \$6 for stenographic work done for Committee on Suffrage and Elections.

All of the above amounts are for printing done, for articles furnished State of Alabama for use of Constitutional Convention, and for services rendered to committees of said Convention, and all of the above amounts are itemized as shown by bills hereto attached. Total amount \$282.25, and we recommend the payment of the same. All of which is respectfully submitted.

JOHN T. HEFLIN, *Chairman*

Committee on Schedule, Printing and Incidental Expenses.

Mr. Smith, of Mobile, chairman of the Committee on Judiciary, submitted the following report, together with the minority reports, which were read at length, laid on the table and 300 copies ordered printed:

#### REPORT OF THE COMMITTEE ON JUDICIARY.

The Committee on Judiciary has carefully considered and discussed all of the provisions of Article 6 of the Constitution of 1875, relating to the Judicial Department of the State, together with the several ordinances relating to that department, and instructs me to report to the Convention, and recommend the adoption of, the subjoined article.

No radical departure has been made from the judicial system of the State as established by the Constitution of 1875, but the article has been so written as to give more elasticity to the judicial system of the State, so as to enable the Legislature to extend or modify the system, from time to time, as may be necessary to meet the needs

of the State as its wealth and population increase, and to make a more economic and systematic arrangement of the system.

The article reported does not change the jurisdiction of the Supreme Court, nor create any other court of final resort, but makes it possible for the Legislature to create an inferior appellate court, to relieve the Supreme Court of any excess of labor that may be placed upon it, should the increasing litigation of the State hereafter require it.

The common law and chancery jurisdictions as separate and distinct systems are retained, and no change whatever is made in the practice under these separate and distinct systems; but the Legislature is authorized to confer both jurisdictions upon the Circuit or Chancery Courts or upon such inferior courts as the Legislature may from time to time create, so as to enable the Legislature, if it shall become necessary for the convenience of business, to provide for the holding of courts more frequently in the various counties of the State, with but little, if any, additional expense to the State.

With the same view, the limitations upon the number of the circuit and chancery divisions into which the State is divided have been removed, and, in lieu thereof, it has been provided that no circuit or chancery division shall contain less than three counties, unless there be embraced therein a county having a population exceeding 20,000 and taxable property exceeding \$3,500,000 in value, and that such counties need not be included in any circuit or chancery division unless the value of its taxable property or its population shall be reduced below such limits. In the opinion of the committee it is probable that many of such counties will be able to maintain inferior courts with common law and equity jurisdiction, and the purpose of the committee is to enable the Legislature to give to such counties separate courts to attend to their business, when the litigation of such counties will justify it, and make such inferior courts take the place of both the Circuit and Chancery Courts in the counties in which they shall be established.

The system of Probate Courts and their jurisdiction is left wholly unchanged; but it is provided that whenever any court having equity powers has taken jurisdiction of the settlement of any estate, such court shall have the power to do all things necessary for the settlement of such estate, including the appointment and removal of administrators, executors, guardians and trustees, and including action upon the resignation of either of them.

The article reported makes no change in the office or jurisdiction of Justices of the Peace, but provides that the Legislature may create inferior courts, with the jurisdiction of a Justice of the Peace, for any precinct or precincts lying within any incorporated town or city having a population of more than 2,500 inhabitants, to supersede and take the place of all Justices of the Peace in such precincts, whenever such courts may be deemed by the General Assembly to be wise, and further provides that the Governor, except where otherwise provided by the General Assembly, shall have power to appoint one Notary Public with the Jurisdiction of a Justice of the Peace in each precinct in which the election of Justices of the Peace shall be authorized.

The article as rewritten makes no change in the terms of office of Chancellors, Circuit Judges and Judges of Probate, but provides that in case of a vacancy in the office, the Governor shall fill such vacancy by appointment, and that such appointees shall hold office until the next general election held at least six months after the vacancy occurs, and until a successor is elected and qualified, and, further, that whenever any new circuit or chancery division is created, the judge or chancellor thereof shall be elected at the next election for Representatives to the General Assembly, for a term to expire at the next general election for Judges and Chancellors; provided, that if such new circuit or chancery division is created more than six months before the next election of Representatives to the General Assembly, the Governor shall appoint some one as Judge or Chancellor, as the case may be, to hold office until such election.

The article, as reported, allows the General Assembly to provide the method of election or appointment of the Judges of such inferior courts as may be created.

The article reported provides for the election of Chief Justices and Associate Justices of the Supreme Court at the time and place fixed by law for the election of members of the House of Representatives of the Congress of the United States until the General Assembly shall, by law, change the time for holding such election; it provides that the term of the Chief Justice who shall be elected in 1904, shall be six years, and that two of the Associate Justices to be elected in 1904 shall hold office until 1906, and that the remaining two Associate Justices elected in 1904 shall hold office until 1908, and that the Associate Justices elected in 1904 shall draw or cast lots among themselves to determine which of them shall hold office for the terms ending, respectively in 1906 and 1908, and that the successors of the Chief Justice and Associate Justices elected in 1904, and all Chief Justices and Associate Justices thereafter elected shall hold office for a term of six years, and that in the event of an increase or reduction in the number of Associate Justices of the Supreme Court the General Assembly shall provide, as nearly as may be, for the election each second year of one-third of the number of such Justices.

Solicitors are made elective by the people of the several territorial subdivisions of the State in which they are to serve.

In all other material respects the provisions of the Constitution of 1875 remain unchanged.

A majority of the committee have voted in favor of each section of the article as reported; but several members of the committee did not give their assent to certain of such sections, nor do they hold themselves bound to support, in the Convention, each of the sections that have been reported by the committee; several of them have prepared minority reports applying to one or more of the sections reported by the committee, which are herewith presented to the Convention.

GREGORY L. SMITH.

Chairman of Judiciary Committee.



## MINORITY REPORTS.

*Mr. President:*

The undersigned members of the Committee on the Judiciary do not concur in the majority report so far as it refers to Sections 25 and 27 of the article reported, and they recommend the adoption of the following sections in lieu of said Sections 25 and 27 respectively:

Sec. 25. The clerk of the Supreme Court shall be elected by the qualified electors of the State for a term of six years. Any vacancy in the office of such clerk shall be filled by appointment by the Justices of the Supreme Court for the unexpired term. Said clerk shall not, after the expiration of the term of the clerk now in office, receive to his use any fees, costs, perquisites of office, or compensation other than a salary to be prescribed by law, which shall not be diminished during his official term.

Sec. 27. Registers in Chancery may be removed from office by the Chancellors, respectively, for cause, to be entered at length upon the minutes of the Court.

Respectfully submitted,

R. W. WALKER,  
O. R. HOOD,  
J. M. JONES,  
W. H. TAYLOR,  
JOHN A. DAVIS,  
WILLIAM C. FITTS,  
JOHN T. ASHCRAFT,  
NORVILLE R. LEIGH, JR.,  
E. W. COLEMAN,  
J. T. KIRK.

## MINORITY REPORT.

The undersigned member of the committee differs from the majority as to Section 29 of said report, and would suggest the following change in the last paragraph of the section:

Strike out the word "except" and strike out the word "otherwise" in the last paragraph of Section 29.

J. MCLEAN JONES.

*Mr. President:*

The undersigned member of the Committee on Judiciary does not concur in the report of the majority of the committee in recommending the adoption of Sections 2 and 9 of said report.

I object to the adoption of Section 2 of said report for the reason it empowers the General Assembly to create an intermediate Court of Appeal, which, in my judgment, is unwise. The object of the majority of the committee is to furnish relief to the Supreme Court. The relief needed can be furnished when necessary by increasing the number of Associate Justices. I object to the creation of said court for the further reason there will be irreconcilable conflict in the decision of this and the Supreme Court, which would render the law uncertain on many questions to the great annoyance of the people. The expense of sustaining this court will, in my judgment, cost the State about \$15,000 per annum. The addition of two Associate Justices to the Supreme Court will not cost more than half of that amount. I therefore offer as a substitute for Section 2 the following:

Sec. 2. Except in cases otherwise directed in this Constitution, the Supreme Court shall have appellate jurisdiction only, which shall be coextensive with the State, under such restrictions and regulations not repugnant to this Constitution as may from time to time be prescribed by law; provided, the Supreme Court shall have power to issue writs of injunction, habeas corpus, quo warranto, and such other remedial and original writs as may be necessary to give it a general superintendence and control of inferior jurisdiction.

I object to the adoption of Section 9 as reported by the committee:

First, this section provides for the establishment of too many Circuit Courts and Courts with Circuit and Chancery jurisdiction. Under the report of the committee, the General Assembly is authorized to establish at the cost of the State a court in nineteen counties with Circuit and Chancery Court jurisdiction, which with the

thirteen Circuit Courts and five Chancery Courts, as now exist, will make thirty-seven courts to do the work that is now being done by thirteen Circuit Judges and five Chancellors. I further object to Section 9 as reported by the committee for the reason it authorizes the General Assembly to abolish the Court of Chancery. The system of separate Chancery Courts has been too long a part of the judicial system of this State to be now abolished. I therefore offer as a substitute for Section 9, as reported by the committee, the following:

Sec. 9. Any county having a population exceeding 30,000, according to the next preceding Federal census, and also taxable property exceeding \$7,000,000 in value, according to the next preceding assessment of property for State and county taxation, need not be included in any Circuit or Chancery division, but if the value of the taxable property shall be reduced below that limit, or its population shall be reduced below that number in either of which events the General Assembly shall include such county in a Circuit or Chancery division or either, embracing more than one county. No Circuit or Chancery division shall contain less than three counties, unless there be embraced therein a county having a population exceeding 30,000, and the taxable property exceeding \$7,000,000. The counties of this State not having a population of 30,000 and taxable property of \$7,000,000 or more, shall be divided into convenient circuits by the General Assembly at its first session after the adoption of this Constitution, and when so divided, the number of circuits shall not be increased except by a vote of two-thirds of the General Assembly.

J. T. KIRK.

*Mr. President:*

We, the undersigned members of the Judiciary Committee, believing that biennial elections should be dispensed with, and that only one election in every four years should be held for the selection of State and county officers, do not concur in the report of the committee as to Sections 16, 17 and 26.

Therefore we move as a substitute for Section 16 the following:

Sec. 16. Except as otherwise provided in this article, the Chief Justice and Associate Justices of the Supreme Court shall hold office for the term of eight years, and until their successors are elected and qualified. Circuit Judges, Chancellors and Judges of Probate shall hold office for a term of four years, except as otherwise provided in this article, and until their successors are elected or appointed and qualified; provided, that this section shall not operate to abridge the term of any Justice of the Supreme Court, Judge, Chancellor or Judges of Probate now in office; and provided further, that the Justices of the Supreme Court, Judges, Chancellors and Judges of Probate, elected in 1904, shall hold office for the term of six years, and until their successors are elected and qualified.

We move as a substitute for Section 17 the following:

Sec. 17. The Chief Justice and Associate Justices of the Supreme Court shall be chosen at an election held for the election of members of the Legislature in the year 1910. The term of the office of the Chief Justice who shall be elected in 1910, shall be as prescribed in the preceding section. As nearly as possible, one-half of the Associate Justices elected in 1910 shall hold office for the term of four years and until their successors are elected and qualified; and the remainder of the term of eight years, and until their successors are elected and qualified. The Associate Justices elected in 1910 shall determine by lot among themselves, which of them shall hold office for the term ending in 1914 and 1918 respectively; the result when so determined to be certified to the Governor by such Associate Justices or a majority of them, and also to be entered upon the minutes of the Court. In the event of the failure of such Associate Justices to make and certify such determination, the Governor shall designate the term for which they shall hold office respectively, as above provided, and shall issue his proclamation accordingly.

We move to amend as a substitute for Section 26 the following:

Sec. 26. A clerk of the Circuit Court shall be elected by the qualified electors in each county for the term of

four years, and may, when appointed by the Chancellor, also hold the office of Register in Chancery. Vacancies in such office of clerk shall be filled by appointment by the Governor. But nothing in this section shall operate to abridge the term of any clerk now in office; and clerks elected in the year 1904 shall hold office for the term of six years, and until their successors are elected and qualified.

C. C. NESMITH,  
WM. C. FITTS,  
J. B. DUKE.

*Mr. President:*

The undersigned, a minority of the Judiciary Committee, do not concur in the report of the committee as to the manner of electing Solicitors by a vote of the people. For reasons that will be made manifest in argument on the floor of the Convention, we, the minority of said committee, submit the following ordinance in lieu of the report of the committee:

Be it ordained, etc.:

Sec. 28. A Solicitor for each Judicial Circuit or other territorial subdivision prescribed by the Legislature shall be elected by joint ballot of the Legislature, who shall, at the time of his election, and during his continuance in office, reside in the circuit or other territorial subdivision, for which he is elected, and whose term of office shall be for four years; and who shall be paid a salary to be fixed by law, and which shall not be increased or diminished during the term for which he is elected; provided; that nothing in this article shall operate to abridge the term or emoluments of any Solicitor now in office.

Respectfully submitted,

ROBERT J. LOWE,  
J. B. DUKE,  
JOHN T. HEFLIN,  
WM. H. SAMFORD,  
EDWARD A. GRAHAM,  
J. T. KIRK,  
CHAS. W. FERGUSON.

Minority report by Watts and others as to Sections 16 and 17 of the report of the Committee on Judiciary.

*Mr. President :*

The undersigned, a minority of the Committee on Judiciary, respectfully differ with the majority of the committee as to Sections 16 and 17 of the report of said committee.

The policy of this Convention seems to be that elections in this State shall occur every four years. This is indicated by the adoption of the report of the Committee on Executive Department, fixing the term of all State officers at four years, and also by the report of the Committee on Legislation. If the terms of the Judges of the several courts shall be fixed at six years, this will necessitate occasionally an election for Judges when no other officers are to be elected. The substitute proposed by the undersigned will obviate this and bring the election of Judges at the time when other officers will be elected. Our substitute proposes that all the Judges of Probate Courts, Judges of Circuit Courts, Chancellors, and Justices of the Supreme Court shall be elected in the year 1904 for a term of six years, and that thereafter the terms of Judges of the Probate Court shall be for four years, and the terms of Justices of the Supreme Court, Judges of the Circuit Courts and Chancellors shall be eight years. Our proposition also is that not more than one-half of the Justices of the Supreme Court shall be elected at one time. We think this last proposition will tend to increase the efficiency of said court. If our substitutes are adopted, there will be no necessity for an election for Judges and Chancellors at any other time than that fixed for the election of other officers. The term of Judges of the Probate Courts is reduced after 1910 to four years, and the terms of the other Judges and Chancellors increase to eight years after 1910. We do not deem it to the interest of the State that the term of Judges of the Circuit Court and Chancellors shall be reduced to four years, and as it seems impracticable to let said terms remain at six years, we deem it the better policy to fix the terms of

those Judges and Chancellors at eight years. We believe that a better Judge can be found for an eight-year than a four-year term.

We therefore beg leave to submit herewith a substitute for each of said Sections 16 and 17. The substitute for Section 16 is as follows:

Sec. 16. In the year 1904 Judges of Probate Courts, Judges of the Circuit Courts, and Chancellors, shall be elected by the qualified electors of the respective counties, circuits and chancery divisions for a term of six years, and until their successors are elected and qualified. In the year 1910, and every four years thereafter, Judges of the Probate Court shall be elected by the qualified electors of the respective counties for a term of four years, and until their successors are elected and qualified. In the year 1910, and every eight years thereafter, Judges of the Circuit Courts and Chancellors shall be elected by the qualified electors of the respective circuits and chancery divisions for a term of eight years, and until their successors are elected and qualified. The right of such Judges and Chancellors to hold their offices for the full term hereby prescribed shall not be affected by any change hereafter made by law in any circuit, division, or county in the mode or time of election.

The substitute for Section 17 is as follows:

Sec. 17. In the year 1904 the Chief Justice and Associate Justices of the Supreme Court shall be elected by the qualified electors of the State for a term of six years and until their successors are elected and qualified. In the year 1910, and every eight years thereafter, the Chief Justice shall be elected by the qualified electors of the State for a term of eight years, and until his successor is elected and qualified. Two of the Associate Justices elected in 1910 shall hold their offices for the term of four years, and two for the term of eight years, and until their successors are elected and qualified, and in the year 1914, and every four years thereafter, two of such Associate Justices shall be elected by the qualified electors of the State for a term of eight years and until their successors are elected and qualified. The Asso-

ciate Justices of said court elected in the year 1910 shall draw or cast lot among themselves to determine which of them shall hold office for the terms ending respectively in the years 1914 and 1918, and until their successors are elected and qualified, the result of said determination to be certified to the Governor by such Associate Justices or a majority of them, prior to the first day of January, 1911, and also to be entered upon the minutes of the court. In the event of the failure of said Associate Justices to make and certify such determination, the Governor shall designate which of said Associate Justices shall go out of office in 1914 and 1918 respectively, and issue his proclamation accordingly. In the event of the increase or reduction by law of the number of Associate Justices of the Supreme Court, the General Assembly shall, as nearly as may be, provide for the election every four years of one-half of the whole number of Justices, including the Chief Justice of said court, for a term of eight years.

Respectfully submitted,

THOS. H. WATTS,  
NORVILLE R. LEIGH, JR.  
J. MCLEAN JONES,  
WM. H. SAMFORD,  
H. PILLANS.

#### JUDICIAL DEPARTMENT.

Section 1. The judicial powers of the State shall be vested in the Senate sitting as a court of impeachment, a Supreme Court, Circuit Courts, Chancery Courts, Courts of Probate, such courts of law and equity inferior to the Supreme Court, and to consist of not more than five members, as the General Assembly from time to time may establish, and such persons as may be by law invested with powers of a judicial nature; but no court of general jurisdiction, at law or in equity, or both, shall hereafter be established in and for any one county having a population of less than 20,000, or property assessed for taxation at a less valuation than \$3,500,000.



**Sec. 2.** Except in cases otherwise directed in this Constitution, the Supreme Court shall have appellate jurisdiction only, which shall be coextensive with the State, under such restrictions and regulations, not repugnant to this Constitution, as may from time to time be prescribed by law, except where jurisdiction over appeals is vested in some inferior court, and made final therein; provided, that the Supreme Court shall have power to issue writs of injunction, habeas corpus, quo warranto, and such other remedial and original writs as may be necessary to give it a general superintendence and control of inferior jurisdictions.

**Sec. 3.** The Supreme Court shall be held at the seat of government, but if that shall become dangerous from any cause, it may adjourn to another place.

**Sec. 4.** Except as otherwise authorized in this article, the State shall be divided into convenient circuits. For each circuit there shall be chosen a judge, who shall, for one year next preceding his election and during his continuance in office, reside in the circuit for which he is elected.

**Sec. 5.** The Circuit Court shall have original jurisdiction in all matters civil and criminal within the State not otherwise excepted in this Constitution; but in civil cases, other than suits for libel, slander, assault and battery, and ejectment, it shall have jurisdiction only where the matter or sum in controversy exceeds fifty dollars.

**Sec. 6.** A Circuit Court, or a court having the jurisdiction of the Circuit Court, shall be held in each county in the State at least twice in every year, and judges of the several courts mentioned in this section may hold court for each other when they deem it expedient, and shall do so when directed by law. The judges of the several courts mentioned in this section shall have power to issue writs of injunction, returnable in the Courts of Chancery, or courts having the jurisdiction of Courts of Chancery.

**Sec. 7.** The General Assembly shall have power to establish a Court or Courts of Chancery, with original and appellate jurisdiction, except as otherwise author-

ized in this article. The State shall be divided by the General Assembly into convenient Chancery districts; each division shall be divided into districts, and for each division there shall be a chancellor, who shall have resided for one year next preceding his election or appointment, and during his continuance in office in the division for which he shall be elected or appointed.

Sec. 8. A Chancery Court, or a court having the jurisdiction of the Chancery Court, shall be held in each district, at a place to be fixed by law, at least twice in each year, and the chancellors may hold court for each other when they deem it necessary.

Sec. 9. Any county having a population exceeding 20,000, according to the next preceding Federal census, and also taxable property exceeding \$3,500,000 in value, according to the next preceding assessment of property for State and county taxation, need not be included in any circuit or chancery division; but if the value of its taxable property shall be reduced below that limit, or if its population shall be reduced below that number, the General Assembly shall include such county in a circuit and chancery division or either, embracing more than one county.

No circuit or chancery division shall contain less than three counties, unless there be embraced therein a county having a population exceeding 20,000, and taxable property exceeding \$3,500,000. The General Assembly may confer upon the Circuit Court or the Chancery Court the jurisdiction of both of said courts. In counties having two or more courts of record, the General Assembly may provide for the consolidation of all or any of such courts of record, except the Probate Court, with or without separate divisions, and an appropriate number of Judges for the transaction of the business of such consolidated court.

Sec. 10. The General Assembly shall have power to establish in each county within the State a court of Probate, with general jurisdiction to grant letters testamentary and of administration, and of orphans' business; provided, that whenever any court having equity powers has taken jurisdiction of the settlement of any

estate, it shall have power to do all things necessary for the settlement of such estate, including the appointment and removal of administrators, executors, guardians and trustees, and including action upon the resignation of either of them.

Sec. 11. The Justices of the Supreme Court, Chancellors, and the Judges of the Circuit Courts, and other courts of record, except Probate Courts, shall, at stated times, receive for their services a compensation which shall not be diminished during their official term; they shall receive no fees or perquisites, nor hold any office (except judicial offices) of profit or trust under this State or the United States, or any other power, during the term for which they have been elected.

Sec. 12. The Supreme Court shall consist of one Chief Justice and such number of Associate Justices as may be prescribed by law.

Sec. 13. The Chief Justice and Associate Justices of the Supreme Court, Judges of the Circuit Courts, Probate Courts, and Chancellors, shall be elected by the qualified electors of the State, circuits, counties and chancery divisions, for which such courts may be established, at such times as may be prescribed by law, except as herein otherwise provided.

Sec. 14. The Judges of such inferior courts of law and equity as may be by law established, shall be elected or appointed in such mode as the General Assembly may prescribe.

Sec. 15. Chancellors and Judges of all courts of record, shall have been citizens of the United States and of this State for five years next preceding their election or appointment, and shall be not less than 25 years of age; and, except Judges of Probate Courts, shall be learned in the law.

Sec. 16. Except as otherwise provided in this article, the Chief Justices of the Supreme Court, Circuit Judges, Chancellors, and Judges of Probate, shall hold office for the term of six years, and until their successors are elected or appointed and qualified; and the right of such Judges and Chancellors to hold their offices for the full term hereby prescribed shall not be affected by

any change hereafter made by law in any circuit, division or county, in the mode or time of election.

Sec. 17. The Chief Justice and Associate Justices of the Supreme Court shall be chosen at an election held at the time and place fixed by law for the election of members of the House of Representatives of the Congress of the United States, until the General Assembly shall, by law, change the time of holding such election. The term of office of the Chief Justice, who shall be elected in the year 1904, shall be as provided in the last preceding section. The successors of two of the Associate Justices elected in 1904 shall be elected in the year 1906, and the successors of the other two Associate Justices elected in 1904 shall be elected in the year 1908. The Associate Justices of said court elected in the year 1904 shall draw or cast lots among themselves to determine which of them shall hold office for the terms ending, respectively, in the years 1906 and 1908, and until their respective successors are elected or appointed and qualified. The result of such determination shall be certified to the Governor, by such Associate Justices, or a majority of them, prior to the first day of January, 1905, and such certificate shall be entered upon the minutes of the court. In the event of the failure of said Associate Justices to make and certify such determination, the Governor shall designate the terms for which they shall respectively hold office, as above provided, and shall issue his proclamation accordingly. In the event of an increase or reduction by law of the number of Associate Justices of the Supreme Court, the General Assembly shall, as nearly as may be, provide for the election, each second year, of one-third of the members of said court.

Sec. 18. All judicial officers within their respective jurisdictions shall, by virtue of their offices, be conservators of the peace.

Sec. 19. Vacancies in the office of any of the judges who hold office by election, or chancellors of this State, shall be filled by appointment by the Governor; such appointee shall hold his office until the next general election held at least six months after the vacancy oc-

curs, and until his successor is elected and qualified; the successor chosen at such election shall hold office for the unexpired term and until his successor is elected and qualified.

Sec. 20. Whenever any new circuit or chancery division is created the Judge or Chancellor therefor shall be elected at the next election for Representatives to the General Assembly for a term to expire at the next general election for Judges and Chancellors; provided, that if said new circuit or chancery division is created more than six months before the next election of Representatives to the General Assembly, the Governor shall appoint some one as Judge or Chancellor, as the case may be, to hold the office until such election.

Sec. 21. If in any case, civil or criminal, pending in any Circuit Court, Chancery Court, or in any court having the jurisdiction of a Circuit or Chancery Court, or either of them, in this State, the presiding Judge or Chancellor shall, for any legal cause, be incompetent to try, hear or render judgment in such case, the parties, or their attorneys of record, if it be a civil case, or the solicitor or prosecuting officer, and the defendant or defendants, if it be a criminal case, may agree upon some disinterested person, practicing in the court and learned in the law, to act as special judge or chancellor to sit as a court, and to hear, decide and render judgment in the same manner and to the same effect as a Chancellor or as a Judge of the Circuit Court, or of a court having the jurisdiction of a Circuit and Chancery Court, or either, sitting as a court might do in such case. If the case be a civil one, and the parties or their attorneys of record do not agree; or if it be a criminal one and the prosecuting officer and the defendant or defendants do not agree upon a special Judge or Chancellor, or if either party in a civil cause is not represented in court, the Register in Chancery or the clerk of such Circuit or other court, in which said cause is pending, shall appoint a special Judge or Chancellor, who shall preside, try and render judgment as in this section provided. The General Assembly may prescribe other methods for supplying special Judges in such cases.

Sec. 22. The General Assembly shall have power to provide for the holding of Chancery and Circuit Courts, and for the holding of courts having the jurisdiction of Circuit and Chancery Courts, or either of them, when the Chancellors or Judges thereof fail to attend regular terms.

Sec. 23. No Judge of any court of record in this State shall practice law in any of the courts of this State or of the United States.

Sec. 24. Registers in chancery shall be appointed by the Chancellors of the respective divisions, and shall have been at least twelve months before their appointment, and shall be at the time of their appointment and during their continuance in office, resident citizens of the district for which they are appointed. They shall hold office for the term for which the Chancellor making such appointment was elected or appointed. Such registers shall receive as compensation for their services only such fees and commissions as may be specifically prescribed by law, which fees shall be uniform throughout the State.

Sec. 25. The clerk of the Supreme Court shall be appointed by the Judges thereof, and shall hold office for the term of six years, and the clerks of such inferior courts as may be established by law shall be elected in such manner as the General Assembly may provide.

Sec. 26. Clerks of the Circuit Court shall be elected by the qualified electors in each county for the term of six years, and may, when appointed by the Chancellor, also fill the office of Register in Chancery. Vacancies in such office of clerk shall be filled by the Governor for the unexpired term.

Sec. 27. The clerk of the Supreme Court and registers in Chancery may be removed from office by the Justices of the Supreme Court, and by the Chancellor respectively, for cause, to be entered at length upon the minutes of the court.

Sec. 28. A Solicitor for each judicial circuit, or other territorial subdivision prescribed by the General Assembly, shall be elected by the qualified electors of such circuit or other territorial subdivision, who shall be

learned in the law, and who shall, at the time of his election, and during his continuance in office, reside in the circuit or other territorial subdivision for which he is elected, and whose term of office shall be for four years, provided, that this article shall not operate to abridge the term of any Solicitor now in office; and provided further, that the Solicitors elected in the year 1904 shall hold office for six years and until their successors are elected and qualified.

Sec. 29. In each precinct not lying within, or partly within, any city or incorporated town of more than 2,500 inhabitants, there shall be elected, by the qualified electors of such precinct not exceeding two Justices of the Peace and one Constable. Where one or more precincts lie within, or partly within, a city or incorporated town having more than 2,500 inhabitants, the General Assembly may provide by law for the election of not more than two Justices of the Peace and one Constable, for each of such precincts, or an inferior court for such precinct or precincts, in lieu of all Justices of the Peace therein. Justices of the Peace, and the inferior courts herein provided for, shall have jurisdiction in all civil cases where the amount in controversy does not exceed \$100, except in cases of libel, slander, assault and battery, and ejectment. The General Assembly may provide by law what fees may be charged by Justices of the Peace and Constables, which fees shall be uniform throughout the State. The right of appeal from any judgment of a Justice of the Peace, or from any inferior court authorized by this section, without the prepayment of costs, and also in the term of office of such Justices, and of the Judges of such inferior courts, and of Notaries Public, shall be provided for by law. The Governor may appoint Notaries Public without the powers of a Justice of the Peace, and may, except where otherwise provided by an act of the General Assembly, appoint not more than one Notary Public with all of the powers and jurisdiction of a Justice of the Peace for each precinct in which the election of Justices of the Peace shall be authorized.

Sec. 30. The Attorney General shall be elected by the qualified electors of the State at the same time and places of election of member of the General Assembly, whose term of office shall be for four years and until his successor is elected and qualified. After his election he shall reside at the seat of government, shall be the law officer of the State, and shall perform such duties as may be required of him by law.

Sec. 31. The style of all process shall be "The State of Alabama" and all prosecutions shall be carried on in the name and by the authority of the same, and shall conclude "Against the peace and dignity of the State."

Mr. Smith, of Mobile, moved that the report of the Committee on Judiciary be made a special order immediately after the disposition of the special orders now upon the calendar.

The motion prevailed, and the report of the Committee on Judiciary was made a special order for consideration immediately after the conclusion of the consideration of the report of the Committee on Suffrage and Elections.

#### PAIR ANNOUNCED.

Mr. Blackwell made the following announcement:

On Saturday last when the report of the Committee on State and County Boundaries was being considered, and the sections reported by the committee proposed a reduction of the area of square miles from 600 to 500, I overlooked the fact that I was paired with Gen. R. C. Jones, of Wilcox. If he had been here he would have voted against any reduction, while I voted in favor of it.

#### UNFINISHED BUSINESS.

The Convention proceeded to the consideration of the unfinished business, which was the report of the Committee on Legislative Department.



## SECTION SIX.

Was read at length as follows:

Sec. 6. The pay of members of the Legislature shall be four dollars per day and 10 cents per mile in going to and returning from the seat of government, to be computed by the nearest usual route traveled.

By unanimous consent the word "the" was inserted in the first line before the word "members" and after the word "of."

Mr. Murphree offered the following amendment to Section 6:

Amend Section 6 by striking out "ten" in first line and insert the word "five" and at the end of the section add the words "the members using free railroad passes shall not be entitled to any mileage from the State."

Mr. Reese offered the following substitute for the amendment offered by Mr. Murphree:

Strike out the word "ten" and insert the word "five."

Mr. O'Neal, of Lauderdale, moved to table the amendment offered by Mr. Reese.

The motion prevailed, and the amendment was laid upon the table.

Mr. NeSmith moved to table the amendment offered by Mr. Murphree.

A division of the question was demanded.

The question was upon the first part of the amendment offered by Mr. Murphree, which reads as follows:

Amend Section 6 by striking out "ten" in first line, and insert the word "five."

The motion to table prevailed, and the first part of the amendment was laid upon the table.

The question recurred upon the motion to table the last part of the amendment of Mr. Murphree, which reads as follows:

Add at the end of Section 6 the words "the members using free railroad passes shall not be entitled to any mileage from the State."

The motion to table was lost: Yeas, 46; nays, 75.

YEAS.

Messrs. Banks,  
Barefield,  
Browne,  
Bulger,  
Byars,  
Cardon,  
Carmichael (Colbert),  
Case,  
Chapman,  
Coleman (Greene),  
Craig,  
Davis (DeKalb),  
Davis, (Etowah),  
Duke,  
Foshee,  
Foster,  
Gilmore,  
Greer (Calhoun),  
Greer (Perry),  
Harrison,  
Heflin (Chambers),  
Heflin (Randolph),  
Howell,

Inge,  
Kirkland,  
Maxwell,  
NeSmith,  
Oates,  
O'Rear,  
Pearce,  
Pitts,  
Proctor,  
Reynolds (Henry),  
Rogers (Sumter),  
Searcy,  
Sentell,  
Sloan,  
Sorrell,  
Stewart,  
Studdard,  
Vaughan,  
Waddell,  
Weatherly,  
Willett,  
Williams (Marengo),  
Wilson (Washington)—46.

NAYS.

Messrs. Beddow,  
Bethune,  
Blackwell,  
Brooks,  
Burnett,  
Burns,  
Cobb,  
Cofer,  
deGraffenried,  
Eley,  
Espy,  
Fletcher,  
Freeman,

Glover,  
Graham (Talladega),  
Grayson,  
Haley,  
Handley,  
Hinson,  
Hood.  
Howze,  
Jackson,  
Jones (Bibb),  
Jones (Hale),  
Jones (Montgomery),  
Jones (Wilcox),

Kirk,	Pettus,
Knight,	Pillans,
Leigh,	Reese,
Locklin,	Reynolds (Chilton),
Lomax,	Robinson,
Long (Walker),	Rogers (Lowndes),
Lowe (Jefferson),	Samford,
Macdonald,	Sanders,
McMillan (Baldwin),	Sanford,
McMillan (Wilcox),	Smith (Mobile),
Malone,	Smith, Mac. A.,
Martin,	Smith, Morgan M.,
Merrill,	Spears,
Miller (Marengo),	Spragins,
Miller (Wilcox),	Tayloe,
Moody,	Thompson,
Murphree,	Walker,
Norman,	Watts,
Norwood,	Weakley,
O'Neal (Lauderdale),	White,
O'Neill (Jefferson),	Whiteside,
Opp,	Williams (Barbour),
Palmer,	Wilson (Clarke),
Parker (Elmore),	Winn—75.

Mr. Watts offered the following substitute for the amendment of Mr. Murphree, which was read at length.

Amend Section 6 by adding thereto any person who, while holding office in this State, or in any city or county thereof, including members of the General Assembly, solicits or accepts for himself or another or uses any free transportation, or transportation at a less rate than is open to the public generally, issued or granted by any corporation or any officer thereof, shall be guilty of a misdemeanor, and shall, upon conviction of such offense, forfeit his office.

#### RECESS.

Pending the further consideration of the report of the Committee on Legislative Department, the hour of 1 o'clock p. m. arrived, and under the rules the Convention recessed until 3:30 o'clock this afternoon.

## AFTERNOON SESSION.

The Convention met pursuant to adjournment.

## ROLL CALL.

On a call of the roll of the Convention, the following delegates answered to their names, which constituted a quorum :

Messrs. President,	Foshee,
Banks,	Foster,
Barefield,	Gilmore,
Bartlett,	Glover,
Beddow,	Graham (Talladega).
Bethune,	Grayson,
Blackwell,	Greer (Calhoun),
Boone,	Greer (Perry),
Brooks,	Haley,
Browne,	Handley,
Bulger,	Harrison,
Burns,	Heflin (Randolph),
Byars,	Hinson,
Cardon,	Hodges,
Carnathon,	Hood,
Case,	Howell,
Chapman,	Howze,
Cobb,	Inge,
Cofer,	Jackson.
Coleman (Greene),	Jones (Bibb),
Cornwell,	Jones (Montgomery),
Craig,	Jones (Wilcox),
Davis (DeKalb),	Kirk,
Davis (Etowah),	Kirkland,
deGraffenried,	Knight,
Duke,	Ledbetter,
Eley,	Leigh,
Eyster,	Locklin,
Espy,	Long (Walker),
Fitts,	Lowe (Jefferson),
Fletcher,	Macdonald,

McMillan (Baldwin),  
 McMillan (Wilcox),  
 Malone,  
 Martin,  
 Maxwell,  
 Merrill,  
 Miller (Marengo),  
 Miller (Wilcox),  
 Moody,  
 Murphree,  
 NeSmith,  
 Norman,  
 Norwood,  
 Oates,  
 O'Neal (Lauderdale),  
 O'Neill (Jefferson),  
 Opp,  
 O'Rear,  
 Palmer,  
 Parker (Cullman),  
 Parker (Elmore),  
 Pearce,  
 Pettus,  
 Pillans,  
 Pitts,  
 Porter,  
 Proctor,  
 Reese,  
 Reynolds (Henry),

Robinson,  
 Rogers (Lowndes),  
 Rogers (Sumter),  
 Sanford,  
 Sanders,  
 Sanford,  
 Searcy,  
 Selheimer,  
 Sentell,  
 Sloan,  
 Smith (Mobile),  
 Smith, Mac. A.,  
 Smith, Morgan M.  
 Sorrell,  
 Thompson,  
 Vaughan,  
 Waddell,  
 Walker,  
 Watts,  
 Weakley,  
 Weatherly,  
 White,  
 Whiteside,  
 Willett,  
 Williams (Barbour),  
 Wilson (Clarke),  
 Wilson (Washington).  
 Winn—119.

#### LEAVE OF ABSENCE.

Was granted to Messrs. Gilmore indefinitely; Ashcraft for to-day and to-morrow; Bartlett for Thursday, Friday and Saturday.

#### RECONSIDERATION.

Mr. Hinson moved to reconsider the vote by which the previous question was ordered upon the adoption of Section 6 and amendments thereto.

The motion to reconsider was lost.

UNFINISHED BUSINESS.

The Convention proceeded to the consideration of the unfinished business, which was the report of the Committee on Legislative Department.

The question was upon the adoption of the substitute offered by Mr. Watts for the amendment offered by Mr. Murphree to Section 6.

The substitute was lost: Yeas, 51; nays, 72.

YEAS.

Messrs. Banks,  
Beddow,  
Boone,  
Brooks,  
Cobb,  
deGraffenried,  
Duke,  
Espy,  
Fitts,  
Fletcher,  
Glover,  
Graham (Talladega),  
Handley,  
Hood,  
Jackson,  
Jones (Bibb),  
Jones (Hale),  
Jones (Montgomery),  
Kirk,  
Leigh,  
Locklin,  
Lowe (Jefferson),  
McMillan (Baldwin),  
Malone,  
Merrill,  
Miller (Marengo),

Miller (Wilcox),  
Moody,  
Murphree,  
Norwood,  
Oates,  
O'Neal (Lauderdale),  
Parker (Elmore),  
Pettus,  
Pillans,  
Pitts,  
Robinson,  
Sanders,  
Sanford,  
Selheimer,  
Smith, Mac. A.,  
Smith, Morgan M.  
Sollie,  
Spears,  
Spragins,  
Stewart,  
Vaughan,  
Walker,  
Watts,  
White,  
Winn—51.

## NAYS.

Messrs. President,  
Barefield,  
Bartlett,  
Blackwell,  
Browne,  
Bulger,  
Burnett,  
Burns,  
Byars,  
Cardon,  
Carmichael (Colbert),  
Case,  
Chapman,  
Cofer,  
Coleman (Greene),  
Cornwell,  
Craig,  
Davis (DeKalb),  
Davis (Etowah),  
Eley,  
Eyster,  
Foshee,  
Foster,  
Gilmore,  
Grayson,  
Greer (Calhoun),  
Greer (Perry),  
Haley,  
Harrison,  
Heflin (Chambers),  
Heflin (Randolph),  
Hinson,  
Hodges,  
Howell,  
Howze,  
Inge,

Jones (Wilcox),  
Kirkland,  
Knight,  
Long (Walker),  
Macdonald,  
McMillan (Wilcox),  
Martin,  
Maxwell,  
NeSmith,  
Norman,  
O'Neill (Jefferson),  
Opp,  
O'Rear,  
Palmer,  
Parker (Cullman),  
Pearce,  
Porter,  
Proctor,  
Reese,  
Reynolds (Henry),  
Searcy,  
Sentell,  
Sloan,  
Smith (Mobile),  
Sorrell,  
Studdard,  
Thompson,  
Waddell,  
Weakley,  
Weatherly,  
Whiteside,  
Willett,  
Williams (Barbour),  
Williams (Elmore),  
Wilson (Clarke).  
Wilson (Washington)—72.

## PAIRS ANNOUNCED.

The following pairs were announced:

Messrs. Lomax, Almon, Rogers of Sumter, and Williams of Marengo. Messrs. Lomax and Rogers of Sumter would vote aye, and Messrs. Almon and Williams of Marengo would vote nay.

Mr. White moved to suspend the rules for the purpose of reconsidering the vote whereby the previous question was ordered upon Section 6 and amendment thereto.

The motion was lost: Yeas, 65; nays, 59.

## YEAS.

Messrs. Banks,	Leigh,
Bartlett,	Locklin,
Beddow,	Lomax,
Boone,	Malone,
Brooks,	Martin,
Burns,	Merrill,
Chapman,	Miller (Marengo),
Cobb,	Miller (Wilcox),
Coleman (Greene),	Moody,
deGraffenried,	Murphree,
Duke,	Norman,
Eley,	Norwood,
Espy,	Oates,
Fitts,	O'Neal (Lauderdale),
Fletcher,	Opp,
Foster,	Parker (Elmore),
Glover,	Pettus,
Graham (Talladega),	Pillans,
Grayson,	Pitts,
Handley,	Robinson,
Hinson,	Samford,
Hodges,	Sanders,
Hood,	Sanford,
Howze,	Searcy,
Jackson,	Selheimer,
Jones (Bibb),	Smith, Mac. A.,
Jones (Hale),	Smith, Morgan M.,
Jones (Montgomery),	Sollie,
Kirk.	Spears.



Spragins,  
Vaughan,  
Walker,  
Watts,

White,  
Whiteside,  
Winn—65.

## NAYS.

Messrs. President,  
Barefield,  
Blackwell,  
Browne,  
Bulger,  
Burnett,  
Byars,  
Cardon,  
Carmichael (Colbert),  
Case,  
Cofer,  
Cornwell,  
Craig,  
Davis (DeKalb),  
Davis (Etowah),  
Eyster,  
Foshee,  
Gilmore,  
Greer (Calhoun),  
Greer (Perry),  
Haley,  
Harrison,  
Heflin (Chambers),  
Heflin (Randolph),  
Howell,  
Inge,  
Jones (Wilcox),  
Knight,  
Long (Walker),  
Macdonald,

McMillan (Baldwin),  
McMillan (Wilcox),  
Maxwell,  
NeSmith,  
O'Neill, (Jefferson),  
O'Rear,  
Palmer,  
Parker (Cullman),  
Pearce,  
Porter,  
Proctor,  
Reese,  
Reynolds (Henry),  
Rogers (Lowndes),  
Sentell,  
Sloan,  
Smith (Mobile),  
Sorrell,  
Stewart,  
Studdard,  
Thompson,  
Waddell,  
Weakley,  
Weatherly,  
Willett,  
Williams (Barbour),  
Williams (Elmore),  
Wilson (Clarke),  
Wilson (Washington)—59.

## PAIR ANNOUNCED.

The following pair was announced:

Messrs. Rogers of Sumter and Williams of Marengo.  
Mr. Rogers of Sumter would vote aye, and Mr. Williams  
of Marengo would vote nay.

The question recurred upon the adoption of the amendment offered by Mr. Murphree.

The amendment of Mr. Murphree was lost.

Section 6, as amended, was adopted.

SECTION SEVEN.

Was read at length as follows:

Sec. 7. The Legislature shall consist of not more than thirty-three Senators, and not more than one hundred members of the House of Representatives; to be apportioned among the several districts as prescribed in this Constitution; provided, that upon the creation of any new county it shall be entitled to one Representative in addition to the number above named.

By unanimous consent the words "and counties" were inserted in the third line before the word "as" and after the word "districts."

Mr. Pitts offered the following amendment to Section 7:

Amend Section 7 of the ordinance reported by the Committee on Legislative Department by striking out the word "thirty-three" in the first line of said section, and inserting in lieu thereof the word "thirty-five," and by striking out the words "one hundred" in the second line and inserting in lieu thereof the words "one hundred and five."

The amendment of Mr. Pitts was adopted.

Mr. Jones, of Montgomery, offered the following amendment to Section 7:

Amend Section 7 by adding at the end thereof the following words: "No member of the Legislature shall ask, receive, accept or use for himself or for the benefit of another, any free pass, or any ticket sold at a discount other than as sold to the public generally. Any member of the Legislature violating the provisions of this section is guilty of a misdemeanor, and on conviction shall be fined \$250 and forfeit his office."

The amendment of Mr. Jones, of Montgomery, was laid upon the table.

Yeas, 65; nays, 58.

## YEAS.

Messrs. President,  
Barefield,  
Bartlett,  
Blackwell,  
Browne,  
Bulger,  
Burnett,  
Byars,  
Cardon,  
Carmichael (Colbert),  
Case,  
Cofer,  
Coleman (Greene),  
Cornwell,  
Craig,  
Davis (DeKalb),  
Davis (Etowah),  
Eyster,  
Ferguson,  
Foshee,  
Greer (Calhoun),  
Greer (Perry),  
Haley,  
Harrison,  
Heflin (Chambers),  
Heflin (Randolph),  
Hinson,  
Hodges,  
Inge,  
Jackson,  
Jones (Wilcox),  
Kirkland,

Knight,  
Long (Walker),  
Macdonald,  
McMillan (Wilcox),  
Miller (Marengo),  
NeSmith,  
O'Neill (Jefferson),  
Opp,  
O'Rear,  
Parker (Cullman),  
Pearce,  
Pitts,  
Porter,  
Proctor,  
Reynolds (Henry),  
Rogers (Lowndes),  
Searcy,  
Sentell,  
Sloan,  
Smith (Mobile),  
Sorrell,  
Stewart,  
Studdard,  
Thompson,  
Waddell,  
Weakley,  
Willett,  
Williams (Barbour),  
Williams (Elmore),  
Wilson (Clarke),  
Wilson (Washington)—65.

## NAYS.

Messrs. Banks,  
Beavers,  
Beddow,  
Boone,  
Brooks,

Burns,  
Cobb,  
deGraffenried,  
Duke,  
Eley,

<b>Espy,</b>	<b>Norman,</b>
<b>Fitts,</b>	<b>Norwood,</b>
<b>Fletcher,</b>	<b>Oates,</b>
<b>Freeman,</b>	<b>O'Neal (Lauderdale),</b>
<b>Glover,</b>	<b>Palmer,</b>
<b>Graham (Talladega),</b>	<b>Parker (Elmore);</b>
<b>Grayson,</b>	<b>Pettus,</b>
<b>Handley,</b>	<b>Pillans,</b>
<b>Hood,</b>	<b>Reese,</b>
<b>Howze,</b>	<b>Robinson,</b>
<b>Jones (Bibb),</b>	<b>Samford,</b>
<b>Jones (Hale),</b>	<b>Sanders,</b>
<b>Jones (Montgomery),</b>	<b>Sanford,</b>
<b>Kirk,</b>	<b>Selheimer,</b>
<b>Leigh,</b>	<b>Smith, Mac. A.,</b>
<b>Locklin,</b>	<b>Smith, Morgan M.,</b>
<b>Lomax,</b>	<b>Sollie,</b>
<b>McMillan (Baldwin),</b>	<b>Spears,</b>
<b>Malone,</b>	<b>Spragins,</b>
<b>Martin.</b>	<b>Vaughan,</b>
<b>Maxwell,</b>	<b>Walker,</b>
<b>Merrill,</b>	<b>Watts,</b>
<b>Miller (Wilcox)</b>	<b>White,</b>
<b>Moody,</b>	<b>Winn—58.</b>
<b>Murphree,</b>	

PAIRS ANNOUNCED.

The following pairs were announced:

Messrs. Rogers of Sumter, and Williams of Marengo; Jenkins and Chapman. Messrs. Williams of Marengo, and Jenkins would vote aye, and Messrs. Rogers of Sumter, and Chapman would vote nay.

On motion of Mr. Oates Section 7, as amended, was adopted.

SECTION EIGHT.

Was read at length as follows, and adopted:

Sec. 8. The Senate, at the beginning of each regular session, and at such other times as may be necessary, shall elect one of its members President thereof, to pre-

side over the deliberations in the absence of the Lieutenant Governor; and the House of Representatives, at the beginning of each regular session, and at such other time as may be necessary, shall elect one of its members as Speaker; and the President of the Senate and the Speaker of the House of Representatives shall hold their offices respectively until their successors are elected and qualified. In case of temporary disability of either of said presiding officers, the House to which he belongs may elect one of its members to preside over that House and to perform all the duties of such officer under disability during the continuance of the same; and such temporary officer, while performing duty as such, shall receive only the same compensation to which the permanent officer is entitled by law. Each House shall choose its own officers and shall judge of the election, returns and qualifications of its members.

#### SECTION NINE.

Was read at length as follows, and adopted:

Sec. 9. A majority of each House shall constitute a quorum to do business; but a smaller number may adjourn from day to day and may compel the attendance of absent members, in such manner and under such penalties as each House may provide.

#### SECTION TEN.

Was read at length as follows, and adopted:

Sec. 10. Each House shall have power to determine the rules of its proceedings and to punish its members or other persons, for contempt or disorderly behavior in its presence; to enforce the obedience to its process; to protect its members against violence, or offers of bribe or corrupt solicitation; and with the concurrence of two-thirds of either House, to expel a member, but not a second time for the same offense; and shall have all the powers necessary for the Legislature of a free State.

## SECTION ELEVEN.

Was read at length as follows, and adopted :

Sec. 11. A member of either House expelled for corruption shall not thereafter be eligible to either House, and punishment for contempt or disorderly behavior shall not bar an indictment for the same offense.

## SECTION TWELVE.

Was read at length as follows :

Sec. 12. Each House shall keep a Journal of its proceedings and cause the same to be published immediately after its adjournment, excepting such parts as, in its judgment, may require secrecy; and the yeas and nays of the members of either House on any question shall, at the desire of one-tenth of the members present, be entered on the Journal. Any member of either House shall have liberty to dissent from or protest against any act or resolution which he may think injurious to the public, or an individual, and have the reasons for his dissent entered on the Journal.

Mr. Sanford offered the following amendment to Section 12:

Amend Section 12 by adding the words "but the Journal of the Senate and House of Representatives shall not be held by the courts to impart absolute verity, but their truthfulness may be inquired into like any other statement in a court of justice."

On motion of Mr. Oates, the amendment of Mr. Sanford was tabled.

Mr. Freeman offered the following amendment to Section 12, which was, on motion of Mr. Oates, laid upon the table:

Amend Section 12 by striking out in second line of said section, after the word "adjournment;" also line three to where "and" sets in after the word secrecy.

On motion of Mr. Oates Section 12, as amended, was adopted.

## SECTION THIRTEEN.

Was read at length as follows, and adopted :

Sec. 13. Members of the Legislature shall, in all cases, except treason, felony, violation of their oath of office, and breach of the peace, be privileged from arrest during their attendance at the session of their respective Houses, and in going to and returning from the same; and for any speech or debate in either House they shall not be questioned in any other place.

## SECTION FOURTEEN.

Was read at length as follows :

Sec. 14. The doors of each House shall be opened except on such occasions as, in the opinion of the House, may require secrecy, but no person shall be admitted to the floor of either House while the same is in session, except members of the Legislature, the officers and employes of the two Houses, the Governor and his secretaries, representatives of the press, and such other persons to whom either House, by unanimous vote, may extend the privileges of its floor.

Mr. Heflin, of Randolph, offered the following amendment to Section 14 :

Amend Section 14 by striking out the word "unanimous" in the fifth line, and insert in lieu thereof the words "a majority."

On motion of Mr. Oates, the amendment of Mr. Heflin, of Randolph, was laid upon the table.

On motion of Mr. Oates, Section 14 was adopted.

## SECTION FIFTEEN.

Was read at length as follows, and adopted :

Sec. 15. Neither House shall, without consent of the other, adjourn for more than three days, nor to any other place than that in which they may be sitting.

## SECTION SIXTEEN.

Was read at length as follows :

Sec. 16. No Senator or Representative shall, during the term for which he shall have been elected, be appointed to any office of profit under this State, which shall have been created, or the emoluments of which shall have been increased during such term, except such offices as may be filled by election by the people.

## ADJOURNMENT.

Pending the further consideration of the report of the Committee on Legislative Department, the hour of 6 o'clock p. m. having arrived, under the rules the Convention adjourned until 9:30 o'clock to-morrow morning.

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FORTY-EIGHTH DAY.

## CONVENTION HALL,

Montgomery, Ala., Thursday, July 18, 1901.

The Convention met pursuant to adjournment.

Prayer was offered by Rev. Mr. McDaniel of the city.

## ROLL CALL.

On a call of the roll of the Convention, the following delegates answered to their names, which constituted a quorum :

Messrs. President,  
Altman,  
Banks,  
Barefield,  
Beddow,  
Blackwell,

Boone,  
Brooks,  
Browne,  
Bulger,  
Burns,  
Byars,



Cardon,  
Carmichael (Colbert),  
Carmichael (Coffee),  
Case,  
Chapman,  
Cobb,  
Cofer,  
Coleman (Greene),  
Cornwell,  
Craig,  
Cunningham,  
Davis (DeKalb),  
Davis (Etowah),  
deGraffenried,  
Duke,  
Eley,  
Eyster,  
Espy,  
Ferguson,  
Fitts,  
Fletcher,  
Foshee,  
Foster,  
Freeman,  
Glover,  
Graham (Montgomery),  
Graham (Talladega),  
Greer (Calhoun),  
Greer (Perry),  
Handley,  
Harrison,  
Heflin (Randolph),  
Hinson,  
Hodges,  
Hood,  
Howell,  
Howze,  
Inge,  
Jackson,  
Jones (Bibb),  
Jones (Hale),

Jones (Montgomery),  
Jones (Wilcox),  
Kirk,  
Kirkland,  
Knight,  
Kyle,  
Leigh,  
Locklin,  
Lomax,  
Long (Butler),  
Long (Walker),  
Macdonald,  
McMillan (Baldwin),  
McMillan (Wilcox),  
Malone,  
Martin,  
Maxwell,  
Merrill,  
Miller (Marengo),  
Miller (Wilcox),  
Moody,  
Murphree,  
NeSmith,  
Norman,  
Norwood,  
Oates,  
O'Neal (Lauderdale),  
Opp,  
O'Rear,  
Palmer,  
Parker (Cullman),  
Parker (Elmore),  
Pearce,  
Pettus,  
Pillans,  
Pitts,  
Porter,  
Proctor,  
Reese,  
Reynolds (Chilton),

Robinson,  
 Rogers (Lowndes),  
 Rogers (Sumter),  
 Samford,  
 Sanders,  
 Sanford,  
 Searcy,  
 Selheimer,  
 Sentell,  
 Sloan,  
 Smith (Mobile),  
 Smith, Mac. A.,  
 Smith, Morgan M.,  
 Sollie,  
 Sorrell,  
 Spears,  
 Spragins,

Stewart,  
 Studdard,  
 Tayloe,  
 Thompson,  
 Vaughan,  
 Waddell,  
 Walker,  
 Watts,  
 Weakley,  
 White,  
 Whiteside,  
 Willett,  
 Williams (Barbour),  
 Williams (Marengo)  
 Wilson (Clarke),  
 Winn—126.

#### LEAVE OF ABSENCE.

Was granted to Messrs. Weatherly for to-day; Tayloe for yesterday; Dent for to-day and to-morrow morning; Case, Norwood, Miller of Marengo, and Byars indefinitely.

#### REPORT OF JOURNAL COMMITTEE.

The chairman of the Committee on the Journal submitted the following report, which was concurred in:

The Committee on the Journal beg leave to report that they have examined the Journal for the forty-seventh day of the Convention, and that the same is correct.

Respectfully submitted,

JOHN F. PROCTOR, *Chairman.*

#### RESOLUTIONS ON FIRST READING.

The following resolutions were introduced, severally read one time at length, and referred to appropriate committees, as follows:

Resolution 251, by Mr. Davis, of Etowah:

Whereas, This Convention has just received an invitation to move its place of deliberation to Bellevue Hotel, on Lookout Mountain, overlooking Gadsden, Ala., where the temperature never goes above 85 degrees Fahrenheit, and with ample room to accommodate all the members and employees of this Convention, and

Whereas, This Convention has recently experienced a temperature of 105 degrees in the hall of the House of Representatives; therefore be it

Resolved, That after Saturday, the 20th day of July, this Convention do adjourn to meet on Monday, the 22d of July, at said Bellevue Hotel, there to continue its deliberations.

The resolution was referred to the Committee on Judiciary.

Resolution 252, by Mr. Howell:

Whereas, It is always becoming in any people to give expressions of gratitude to the Giver of all Good;

Therefore, be it resolved, That we, for ourselves and in behalf of all the people of the State, whom we represent, that our sincere and devout thanks are offered up to the benign Giver of every blessing for the welcome and copious showers of rain which are falling all over the State, that there will be "bread for the eater and seed for the sower."

On motion of Mr. Howell the rules were suspended, and the resolution 252 was adopted.

Resolution 254, by Mr. Pillans:

Resolved, That the privileges of the floor of this Convention be and are extended to the Hon. J. H. Bankhead.

The rules were suspended and the resolution adopted.

#### ORDINANCES ON FIRST READING.

The following ordinances were introduced, severally read one time at length, and referred to appropriate committees, as follows:

Ordinance 421, by Mr. Cornwall:

Provides for the formation of the county of "Houston" from the counties of Jefferson, Tuscaloosa and Bibb.

The ordinance was referred to the Committee on State and County Boundaries.

Ordinance 422, by Mr. Sanford:

To make holders of stock in any corporations that have combined for the transaction of business, liable as co-partners for the debts and obligations of such corporations.

The ordinance was referred to the Committee on Legislative Department.

Ordinance 423, by Mr. deGraffenried:

To repeal Sections 8 and 9 of the Article heretofore adopted by this Convention on the subject of Banks and Banking.

The ordinance was referred to the Committee on Banks and Banking.

#### STENOGRAPHIC REPORT.

Messrs. Williams of Marengo, and O'Neal of Lauderdale, called the attention of the Convention to certain errors in the stenographic report of the proceedings of yesterday.

The report was ordered corrected.

#### QUESTION OF PERSONAL PRIVILEGE.

Messrs. Sentell, Coleman of Greene, and Jones of Montgomery, arose to a question of personal privilege, and proceeded to state their question of personal privilege.

#### REPORT OF STANDING COMMITTEES.

Mr. Smith, of Mobile, acting chairman of the Committee on Rules, reported favorably the following resolution, which was adopted:

Resolution 253, by Committee on Rules:

Resolved, That each delegate may speak ten minutes and no longer upon any motion to reconsider the action of the Convention upon any matter upon which it has acted.

Mr. Browne, chairman of the Committee on Taxation, submitted the following report, which was laid upon the table and 300 copies ordered printed, and to be taken up for consideration when the report of the Committee on Taxation is taken up for further consideration.

*Mr. President:*

The Committee on Taxation instructs me to report the following proviso to Section 10 of Article XI, viz:

Provided, This section shall not apply to the cities of Sheffield and Tusculumbia.

And the following additional section to said article viz:

Sec. 11. The Legislature may levy a tax of not more than two and one-half per centum ( $2\frac{1}{2}$ ) on every one hundred (100) dollars of the value of all estate, real, personal and mixed, money, public and private securities of every kind passing from any person who may die seized and possessed thereof, being in this State or any part of such estate, money or securities, or interest therein transferred by the intestate laws of this State, or by will, deed, grant, bargain, sale or gift, made or intended to take effect in possession after the death of the grantor, deviser or donor, to any person or persons, bodies politic or corporate, in trust or otherwise, other than to or for the use of the father, mother, husband, wife, brothers, sisters, children or lineal descendants of the grantor, deviser, donor or intestate.

And recommend the adoption of the same.

Respectfully submitted,

CECIL BROWNE,  
Chairman Committee on Taxation.

Mr. Sanford, chairman of the Committee on Engrossment, submitted the following report, which was laid upon the table to be taken up at the pleasure of the Convention:

*Mr. President:*

The Committee on Engrossment have examined and compared the following articles, to-wit:

State and County Boundaries, Local Legislation, Banks and Banking, and find them correctly engrossed.  
Respectfully submitted,

WM. H. SAMFORD, *Chairman.*

#### UNFINISHED BUSINESS.

The Convention proceeded to the consideration of the unfinished business, which was the report of the Committee on Legislative Department.

The question was upon the adoption of Section 16 of the article reported by the Committee on Legislative Department.

Section 16 was, on motion of Mr. Pettus, adopted.

#### SECTION SEVENTEEN.

Was read at length as follows:

Sec. 17. No person hereafter convicted of embezzlement of the public money, bribery, perjury, or other infamous crime, shall be eligible to the Legislature, or capable of holding any office of trust or profit in this State.

Mr. Watts offered the following amendment to Section 17:

Amend Section 17, report Legislative Committee by adding thereto the following words, viz: "No negro shall be permitted to hold office in this State."

Mr. Burns offered the following substitute for the amendment of Mr. Watts:

And no person who is not a white, qualified voter, shall hold any office under this State.

On motion of Mr. Coleman, of Greene, the amendment of Mr. Watts and the substitute of Mr. Burns were laid upon the table and 300 copies of each ordered printed, to be taken up at the pleasure of the Convention.

Mr. White offered the following amendment to Section 17, which was adopted:

Amend Section 17 by striking out the word "hereafter" in line 1.

On motion of Mr. Oates Section 17, as amended, was adopted.

## SECTION EIGHTEEN.

Was read at length as follows, and adopted:

Sec. 18. No law shall be passed except by bill, and no bill shall be so altered or amended on its passage through either House as to change its original purpose.

## SECTION NINETEEN.

Was read at length as follows:

Sec. 19. No bill shall become a law until it shall have been referred to a standing committee of each House, acted upon by the committees in session, and returned therefrom, which fact shall affirmatively appear upon the Journal of each House.

Mr. Browne offered the following amendment to Section 19:

Strike out "the committees" and insert "such committees."

The amendment was adopted, and Section 19, as amended, was adopted.

## SECTION TWENTY.

Was read at length as follows:

Sec. 20. Every bill shall be read on three different days in each House, and no bill shall become a law unless on its final passage it be read at length, and the vote be taken by yeas and nays, the names of the members voting for and against the same to be entered on the Journal, and a majority of each House be recorded thereon as voting in its favor, except as otherwise provided in this Constitution.

Mr. Harrison offered the following amendment to Section 20:

Amend Section 20 by inserting between the words "of" and "each" where they occur on the fourth line of said section, the words "those elected to."

On motion of Mr. Bulger the amendment of Mr. Harrison was laid upon the table.

Mr. Sanford offered the following amendment to Section 20:

Amend Section 20 by inserting in the second line of said section, after the words at length, the words "which fact shall be entered on the Journal."

On motion of Mr. Oates the amendment of Mr. Sanford was laid upon the table.

Mr. Long, of Walker, offered the following amendment to Section 20:

Amend Section 20 in the fourth line by striking out the words "in its favor."

On motion of Mr. Oates the amendment of Mr. Long, of Walker, was laid upon the table.

On motion of Mr. Oates, Section 20 was adopted.

#### SECTION TWENTY-ONE.

Was read at length as follows, and adopted:

Sec. 21. No amendment to bills shall be adopted except by a majority of the House wherein the same is offered, nor unless the amendment with the names of those voting for and against the same shall be entered at length on the Journal of the House in which the same is adopted, and no amendment to bills by one House shall be concurred in by the other, unless by a vote taken by yeas and nays, and the names of the members voting for and against the same be recorded at length on the Journal; and no report of a committee of conference shall be adopted in either House, except upon a vote taken by yeas and nays, and entered on the Journal, as herein provided for the adoption of amendments.

#### SECTION TWENTY-TWO.

Was read at length as follows, and on motion of Mr. Oates was stricken out:

Sec. 22. The Legislature shall pass general laws under which local and private interests shall be provided for and protected.



## SECTION TWENTY-THREE.

Was read at length as follows, and adopted:

Sec. 23. The Legislature shall have no power to authorize lotteries or gift enterprises for any purpose, and shall pass laws to prohibit the sale of lottery or gift enterprise tickets, or tickets in any scheme in the nature of a lottery, in this State; and all acts, or parts of acts heretofore passed by the Legislature of this State, authorizing a lottery or lotteries and all acts amendatory thereof, or supplemental thereto, are hereby avoided.

## SECTION TWENTY-FOUR.

Was read at length as follows:

Sec. 24. The presiding officer of each House shall, in the presence of the House over which he presides, sign all bills and joint resolutions passed by the Legislature, after the same shall have been publicly read at length, immediately before the signing, and the fact of reading and signing shall be entered upon the Journal; but the reading at length may be dispensed with by a two-thirds vote of a quorum present, which fact shall also be entered on the Journal.

Mr. deGraffenried offered the following amendment to Section 24:

Amend by striking from Section 24 all after the word "Journal" in the fourth line.

Mr. Samford offered the following substitute for the section and pending amendment:

24. The presiding officer of each House shall, in the presence of the House over which he presides, sign all bills and joint resolutions passed by the General Assembly after the titles have been publicly read immediately before signing, and the fact of signing shall be entered on the Journal.

By unanimous consent Mr. Pettus offered the following amendment to the substitute offered by Mr. Samford, which was adopted:

Provided, That on the request of any member, the bill shall be read publicly at length before signing.

The question was upon the adoption of the substitute offered by Mr. Samford.

The substitute was lost.

The question recurred upon the adoption of the amendment offered by Mr. deGraffenried.

Mr. Harrison offered the following substitute for the amendment of Mr. deGraffenried :

Amend Section 24 by striking out all after the word "shall" on the first line of said section, and inserting in lieu thereof the following, to-wit: "Sign all bills and joint resolutions passed by the Legislature after having first carefully read and examined the same."

On motion of Mr. Espy the amendment of Mr. Harrison was laid upon the table.

The amendment of Mr. deGraffenried was lost.

On motion of Mr. Oates Section 24 was adopted.

#### SECTION TWENTY-FIVE.

Was read at length as follows, and adopted :

Sec. 25. The Legislature shall prescribe by law the number, duties and compensation of the officers and employes of each House, and no payment shall be made from the State Treasury or be in any way authorized to any person except to an acting officer or employe elected or appointed in pursuance of law.

#### ADJOURNMENT.

Pending the further consideration of the report of the Committee on Legislative Department the hour of 1 o'clock p. m. arrived, under the rules the Convention recessed until 3:30 o'clock this afternoon.

#### AFTERNOON SESSION.

The Convention met pursuant to adjournment.

#### ROLL CALL.

On a call of the roll of the Convention the following delegates answered to their names, which constituted a quorum :

<b>Messrs. President,</b>	<b>Howell,</b>
<b>Altman,</b>	<b>Howze,</b>
<b>Banks,</b>	<b>Inge,</b>
<b>Barefield,</b>	<b>Jackson,</b>
<b>Bartlett,</b>	<b>Jenkins,</b>
<b>Beavers,</b>	<b>Jones (Montgomery),</b>
<b>Beddow,</b>	<b>Jones (Wilcox),</b>
<b>Bethune,</b>	<b>Kirk,</b>
<b>Blackwell,</b>	<b>Kirkland,</b>
<b>Boone,</b>	<b>Knight,</b>
<b>Brooks,</b>	<b>Kyle,</b>
<b>Browne,</b>	<b>Leigh,</b>
<b>Bulger,</b>	<b>Lomax,</b>
<b>Burnett,</b>	<b>Long (Butler),</b>
<b>Burns,</b>	<b>Long (Walker),</b>
<b>Byars,</b>	<b>Macdonald,</b>
<b>Cardon,</b>	<b>McMillan (Baldwin),</b>
<b>Carmichael (Colbert),</b>	<b>McMillan (Wilcox),</b>
<b>Case,</b>	<b>Malone,</b>
<b>Chapman,</b>	<b>Martin,</b>
<b>Cobb,</b>	<b>Maxwell,</b>
<b>Coleman (Greene),</b>	<b>Merrill,</b>
<b>deGraffenried,</b>	<b>Miller (Wilcox),</b>
<b>Duke,</b>	<b>Moody,</b>
<b>Eley,</b>	<b>Murphree,</b>
<b>Eyster,</b>	<b>NeSmith,</b>
<b>Espy,</b>	<b>Norman,</b>
<b>Ferguson,</b>	<b>Oates,</b>
<b>Fitts,</b>	<b>O'Neal (Lauderdale),</b>
<b>Fletcher,</b>	<b>Opp,</b>
<b>Foshee,</b>	<b>O'Rear,</b>
<b>Foster,</b>	<b>Palmer,</b>
<b>Greer (Calhoun),</b>	<b>Parker (Cullman),</b>
<b>Greer (Perry),</b>	<b>Parker (Elmore),</b>
<b>Haley,</b>	<b>Pearce,</b>
<b>Handley,</b>	<b>Pettus,</b>
<b>Harrison,</b>	<b>Phillips,</b>
<b>Heflin (Chambers),</b>	<b>Pillans,</b>
<b>Heflin (Randolph),</b>	<b>Pitts,</b>
<b>Hinson,</b>	<b>Porter,</b>
<b>Hodges,</b>	<b>Proctor,</b>

Reese,	Spears,
Reynolds (Chilton),	Spragins,
Rogers (Lowndes),	Stewart,
Rogers (Sumter),	Thompson,
Samford,	Vaughan,
Sanders,	Waddell,
Sanford,	Walker,
Searcy,	Weakley,
Selheimer,	White,
Sentell,	Whiteside,
Sloan,	Willett,
Smith (Mobile),	Williams (Barbour),
Smith, Mac. A.,	Williams (Marengo),
Smith, Morgan M.,	Wilson (Washington).
Sorrell,	Winn—114.

UNFINISHED BUSINESS.

The Convention proceeded to the consideration of the unfinished business, which was the report of the Committee on Legislative Department.

SECTION TWENTY-SIX.

Was read at length as follows:

Sec. 26. The Legislature shall have no power to grant or to authorize or require any county or municipal authority to grant, nor shall any county or municipal authority have power to grant any extra compensation, fee, or allowance to any public officer, servant, or employe, agent or contractor, after services shall have been rendered or contract made; nor shall any officer of the State bind the State to the payment of any sum of money but by authority of law.

Mr. Jones, of Wilcox, offered the following amendment to Section 26:

Provided, This section shall not apply to allowance, made by Commissioner's Court or Boards of Revenue, to county officers for ex-officio services.

The amendment of Mr. Jones, of Wilcox, was adopted.

Mr. Howze offered the following amendment to Section 26, which was adopted:

Amend by inserting after the word "made" in the fifth line, the words "nor to increase or decrease the fees and compensation of such officers during their term of office."

On motion of Mr. Oates Section 26, as amended, was adopted.

#### SECTION TWENTY-SEVEN.

Sec. 27 During any regular session of the Legislature the aggregate appropriations made shall not exceed in amount the income from the revenues of the State for the current fiscal year, as estimated by the Governor and Auditor.

Was read at length.

By unanimous consent the word "annual" was inserted before the word "appropriations" and after the word "aggregate."

Mr. Jones, of Wilcox, offered the following substitute for Section 27:

During any regular session of the Legislature the appropriation made for each of the four years before the next meeting of the Legislature shall not exceed in amount the income from the resources of the State for each of said years, respectively, as estimated by the Governor and Auditor."

Mr. Merrill moved to table the section and amendments.

The motion was lost.

Mr. Pettus offered the following substitute for Section 27 and the substitute offered by Mr. Jones, of Wilcox:

Sec. 27. During any regular session of the Legislature the aggregate appropriation made shall not exceed in amount the income from the revenues of the State available before the last day of the next regular session of the Legislature, as estimated by the Governor and Auditor.

On motion of Mr. Oates, the substitute of Mr. Pettus was laid upon the table.

The question recurred upon the adoption of the substitute offered by Mr. Jones, of Wilcox, for Section 27.

The substitute was adopted.

The question was upon the adoption of Section 27 as amended.

Section 27, as amended, was adopted: Yeas, 92; nays, 30.

YEAS.

Messrs. President,	Grayson,
Altman,	Greer (Calhoun),
Barefield,	Greer (Perry),
Bethune,	Harrison,
Boone,	Heflin (Randolph),
Browne,	Hodges,
Burns,	Howell,
Byars,	Howze,
Cardon,	Inge,
Chapman,	Jackson,
Cobb,	Jenkins,
Coleman (Greene),	Jones (Wilcox),
Cornwell,	Kirk,
Craig,	Knight,
Cunningham,	Kyle,
Davis (DeKalb),	Leigh,
deGraffenried,	Locklin,
Duke,	Long (Walker),
Eley,	Macdonald,
Eyster,	McMillan (Baldwin),
Espy,	McMillan (Wilcox),
Ferguson,	Malone,
Fitts,	Martin,
Fletcher,	Maxwell,
Foster,	Miller (Wilcox),
Freeman,	Moody,
Glover,	Murphree,
Graham (Montgomery),	NeSmith,
Graham (Talladega),	Oates,

Opp,  
 Palmer,  
 Parker (Cullman),  
 Parker (Elmore),  
 Pearce,  
 Pillans,  
 Pitts,  
 Porter,  
 Proctor,  
 Reese,  
 Reynolds (Henry),  
 Rogers (Lowndes),  
 Rogers (Sumter),  
 Samford,  
 Sanders,  
 Sanford,  
 Searcy,

Sentell,  
 Sloan,  
 Smith (Mobile),  
 Smith, Mac. A.  
 Smith, Morgan M.,  
 Sorrell,  
 Spragins,  
 Stewart,  
 Studdard,  
 Tayloe,  
 Vaughan,  
 Whiteside,  
 Williams (Barbour),  
 Williams (Marengo),  
 Wilson (Clarke),  
 Wilson (Washington).  
 Winn—92.

#### NAYS.

Messrs. Banks,  
 Beddow,  
 Blackwell,  
 Brooks,  
 Bulger,  
 Carmichael (Colbert),  
 Davis (Etowah),  
 Foshee,  
 Haley,  
 Hood,  
 Jones (Bibb),  
 Jones (Montgomery),  
 Kirkland,  
 Lomax,  
 Merrill,

Norman,  
 O'Neal (Lauderdale),  
 O'Neill, (Jefferson),  
 O'Rear,  
 Pettus,  
 Reynolds (Chilton),  
 Robinson,  
 Selheimer,  
 Sollie,  
 Spears,  
 Thompson,  
 Waddell,  
 Watts,  
 Weakley,  
 White—30.

#### RECONSIDERATION.

Messrs. Coleman of Greene, and Long, of Walker, gave notice that on to-morrow they would move to reconsider the vote by which Section 27 was adopted.

## SECTION TWENTY-EIGHT.

Was read at length as follows:

Sec. 28. All stationery, printing, paper and fuel used in the legislative and other departments of government shall be furnished and the printing and distribution of laws, Journals, department reports and all other printing and binding and repairing and furnishing the halls and rooms used for the meeting of the Legislature and its committees, shall be performed under contract, to be given to the lowest responsible bidder below a maximum price, and under such regulations as shall be prescribed by law; no member or officer of any department of the government shall be in any way interested in such contracts, and all such contracts shall be subject to the approval of the Governor, Auditor and Treasurer.

Mr. Pillans offered the following amendment to Section 28:

Amend Section 28 by adding at the end thereof the following words: The Legislature may, however, provide that for such supplies or printing no bid from any non-resident person or foreign corporation shall be considered.

And by striking out the period at the end of the section and inserting a semicolon instead.

The amendment of Mr. Pillans was lost.

Section 28 was adopted.

## RECONSIDERATION.

Mr. Beddow gave notice that on to-morrow he would move to reconsider the vote by which Section 28 was adopted.

Mr. Samford moved a suspension of the rules for the purpose of immediate reconsideration of the vote by which Section 28 was adopted.

The motion to suspend the rules prevailed.

Thereupon Mr. Samford moved to reconsider the vote by which Section 28 was adopted, and moved to table his motion to reconsider.

The motion prevailed, and the motion to reconsider was laid upon the table.



## SECTION TWENTY-NINE.

Was read at length as follows :

Sec. 29. All bills for raising revenue shall originate in the House of Representatives; but the Governor, Auditor, Treasurer and Attorney General shall, before each regular session of the Legislature, prepare a general revenue bill, to be submitted to the Legislature for its action, and the Secretary of State shall have printed for the use of the Legislature a sufficient number of copies of the bill so prepared which the Governor shall transmit to the House of Representatives as soon as organized. The Senate may propose amendments to revenue bills. No appropriation or revenue bill shall be passed during the last five days of the session.

By unanimous consent the word "treasurer" before the word "and" and after the word "auditor" was stricken out.

Mr. Vaughan offered the following substitute for Section 29 :

All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose amendments, as in other bills.

Mr. Boone offered the following substitute for the substitute offered by Mr. Vaughan :

Sec. 29. All bills for raising revenue shall originate in the House of Representatives, the Governor, Auditor and Attorney General shall, before each regular session of the Legislature prepare a general revenue bill to be submitted to the Legislature for its action, and the Secretary of State shall have printed for the use of the Legislature a sufficient number of copies of the bills so prepared which the Governor shall transmit to the House of Representatives as soon as organized, to be dealt with or used as that House may elect. The Senate may propose amendments to revenue bills. No appropriation or revenue bill shall be passed during the last five days of the session.

Mr. Lomax made the point of order that the substitute offered by Mr. Boone was out of order in that there could not be a substitute to a substitute.

## ADJOURNMENT.

Pending the further consideration of the report of the Committee on Legislative Department, the hour of '6 o'clock p. m. arrived, under the rules the Convention adjourned until to-morrow morning at 9:30 o'clock.

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## FORTY-NINTH DAY.

## CONVENTION HALL.

Montgomery, Ala., Friday, July 19, 1901.

The Convention met pursuant to adjournment.

Prayer was offered by Rev. Mr. McDaniel of the city.

## ROLL CALL.

On a call of the roll of the Convention, the following delegates answered to their names, which constituted a quorum :

Messrs. President,	Chapman,
Almon,	Cobb,
Altman,	Cofer,
Banks,	Coleman (Greene),
Barefield,	Cornwell,
Beddow,	Craig,
Bethune,	Cunningham,
Blackwell,	Davis (DeKalb),
Boone,	Davis (Etowah),
Brooks,	Dent,
Browne,	deGraffenried,
Bulger,	Duke,
Burnett,	Eley,
Burns,	Eyster,
Cardon,	Ferguson,
Carmichael (Colbert),	Fitts,

Fletcher,  
Foshee,  
Glover,  
Graham (Talladega),  
Grant,  
Grayson,  
Greer (Calhoun),  
Greer (Perry),  
Haley,  
Handley,  
Harrison,  
Heflin (Chambers),  
Heflin (Randolph),  
Henderson,  
Hinson,  
Hood,  
Howell,  
Howze,  
Inge,  
Jackson,  
Jones (Bibb),  
Jones (Montgomery),  
Jones (Wilcox),  
Kirk,  
Kirkland,  
Knight,  
Kyle,  
Leigh,  
Locklin,  
Lomax,  
Long (Butler),  
Macdonald,  
McMillan (Baldwin),  
McMillan (Wilcox),  
Malone,  
Martin,  
Maxwell,  
Merrill,

Miller (Marengo),  
Miller (Wilcox),  
Moody,  
Murphree,  
NeSmith,  
Norman,  
Oates,  
O'Neal (Lauderdale),  
O'Neill (Jefferson),  
Opp,  
O'Rear,  
Palmer,  
Parker (Cullman),  
Parker (Elmore),  
Pearce,  
Pettus,  
Phillips,  
Pillans,  
Pitts,  
Porter,  
Proctor,  
Reese,  
Robinson,  
Rogers (Lowndes),  
Rogers (Sumter),  
Samford,  
Sanders,  
Sanford,  
Searcy,  
Selheimer,  
Sentell,  
Sloan,  
Smith (Mobile),  
Smith, Mac. A.  
Smith, Morgan M.,  
Sollie,  
Sorrell,  
Spears,

Spragins,  
Stewart,  
Studdard,  
Tayloe,  
Thompson,  
Vaughan,  
Waddell,  
Walker,  
Watts,

Weakley,  
Weatherly,  
White,  
Whiteside,  
Willett,  
Williams (Barbour),  
Williams (Marengo),  
Wilson (Washington),  
Winn—127.

#### LEAVE OF ABSENCE.

Was granted to Messrs. Waddell for to-morrow; Ledbetter for to-morrow and Monday; Porter for Saturday, Monday and Tuesday; and Kirkland for to-morrow; Foster for to-day and to-morrow; Weatherly for to-day; Thompson for to-day; Grayson and Inge for Saturday and Monday; Reynolds of Chilton for to-day; Howze for Saturday; Jones of Bibb for Saturday and Monday; Foshee for this afternoon and to-morrow.

#### REPORT OF THE COMMITTEE ON THE JOURNAL.

The chairman of the Committee on the Journal submitted the following report, which was concurred in:

The Committee on the Journal beg leave to report that they have examined the Journal for the forty-eighth day of the Convention, and that the same is correct.

Respectfully submitted,

JOHN F. PROCTOR, *Chairman.*

#### STENOGRAPHIC REPORT.

Mr. deGraffenried called the attention of the Convention to certain errors in the stenographic report of the proceedings of yesterday.

The report was ordered corrected.

## QUESTION OF PERSONAL PRIVILEGE.

Mr. Watts arose to a question of personal privilege, and proceeded to state his question of privilege.

## REPORTS OF STANDING COMMITTEES.

Mr. O'Neal, of Lauderdale, acting chairman of the Committee on Rules, reported favorably the following resolution, which was read at length and adopted:

Resolution 255, by the Rules Committee:

Resolved, That the rules of the Convention limiting debate be suspended when the report of the Suffrage Committee is taken up for consideration, and that each delegate be allowed to speak once and not longer than thirty minutes upon any proposition presented by the report of the committee or any amendment thereto, except that the chairman of the committee or mover of the amendment, or such delegate as such chairman or mover may yield his time to, may, after the previous question has been ordered close the debate, and in so doing may speak for a like period of thirty minutes; provided that the time here limited may be extended by a majority of the delegates voting without a suspension of the rules.

## REPORT OF THE COMMITTEE ON JUDICIARY.

Mr. Smith, of Mobile, chairman of the Committee on Judiciary, reported favorably the following ordinance, which was read at length, and moved that the rules be suspended and that the ordinance be adopted:

Ordinance 424, by Judiciary Committee.

Be it ordained by the people of Alabama in Convention assembled, that this Convention shall continue in session until it shall, by careful revision and amendment of the present Constitution, frame and adopt a revised Constitution for this State.

Be it further ordained, that during the time this Convention shall so continue in session, the officers thereof shall receive the same compensation, payable out of the

treasury of the State, as corresponding officers of the House of Representatives are by law allowed; and that the delegates shall receive for their services the same per diem and mileage from the treasury of the State as is allowed the members of the General Assembly. The payment shall be made on the certificates of the President and Secretary of the Convention, to the Auditor of the State, as payment of compensation to members of the General Assembly is by law directed to be made.

The motion to suspend the rules prevailed.

Mr. White offered the following amendment to the ordinance.

Amend by striking out all of said ordinance after the words "by law allowed."

Mr. Fitts moved to table the amendment.

The motion prevailed, and the amendment was laid upon the table: Yeas, 110; nays, 12.

YEAS.

Messrs. Almon,	deGraffenried,
Messrs. President,	Duke,
Almon,	Eley,
Altman,	Eyster,
Ashcraft,	Espy,
Banks,	Ferguson,
Barefield,	Fitts,
Bethune,	Fletcher,
Blackwell,	Foshee,
Boone,	Freeman,
Brooks,	Glover,
Browne,	Graham (Montgomery),
Bulger,	Grayson,
Cardon,	Greer (Calhoun),
Carmichael (Colbert),	Greer (Perry),
Chapman,	Handley,
Coleman (Greene),	Harrison,
Cunningham,	Heflin (Chambers),
Davis (DeKalb),	Heflin (Randolph),
Davis (Etowah),	Henderson,
Dent,	Hinson,

Hodges,  
 Hood,  
 Howell,  
 Howze,  
 Inge,  
 Jackson,  
 Jenkins,  
 Jones (Bibb),  
 Jones (Wilcox),  
 Knight,  
 Leigh,  
 Locklin,  
 Lomax,  
 Long (Butler),  
 Long (Walker),  
 Macdonald,  
 McMillan (Baldwin),  
 McMillan (Wilcox),  
 Malone,  
 Maxwell,  
 Merrill,  
 Miller (Wilcox),  
 Moody,  
 Mulkey,  
 Murphree,  
 NeSmith,  
 Norman,  
 Oates,  
 O'Neal (Lauderdale),  
 Opp.  
 O'Rear,  
 Palmer,  
 Parker (Cullman),  
 Parker (Elmore),  
 Pearce,

Pettus,  
 Pillans,  
 Pitts,  
 Porter,  
 Proctor,  
 Reese,  
 Reynolds (Henry),  
 Rogers (Lowndes),  
 Sanford,  
 Sanders,  
 Sanford,  
 Searcy,  
 Selheimer,  
 Sentell,  
 Smith (Mobile),  
 Smith, Mac. A.  
 Smith, Morgan M.,  
 Sorrell,  
 Spears,  
 Stewart,  
 Studdard,  
 Tayloe,  
 Vaughan,  
 Waddell,  
 Walker,  
 Watts,  
 Weakley,  
 Whiteside,  
 Williams (Barbour),  
 Williams (Marengo),  
 Williams (Elmore),  
 Wilson (Clarke),  
 Wilson (Washington).  
 Winn—110.

## NAYS.

Messrs. Beddow,  
 Burns,  
 Cobb,  
 Cofer,  
 Jones (Montgomery),  
 Kirk,

Kirkland,  
 Lowe (Jefferson),  
 O'Neill (Jefferson),  
 Robinson,  
 Spragins,  
 White—12.

The question recurred upon the adoption of the ordinance above set out.

The ordinance was adopted: Yeas, 108; nays, 13.

## YEAS.

Messrs. President,	Greer (Perry),
Almon,	Handley,
Altman,	Heflin (Chambers),
Ashcraft,	Heflin (Randolph),
Banks,	Henderson,
Barefield,	Hinson,
Bethune,	Hodges,
Blackwell,	Hood,
Boone,	Howell,
Brooks,	Howze,
Browne,	Inge,
Bulger,	Jackson,
Cardon,	Jones (Bibb),
Carmichael (Colbert),	Jones (Wilcox),
Chapman,	Knight,
Coleman (Greene),	Leigh,
Cornwell,	Locklin,
Cunningham,	Lomax,
Davis (DeKalb),	Long (Butler),
Davis (Etowah),	Long (Walker),
Dent,	Lowe (Jefferson),
deGraffenried,	Macdonald,
Duke,	McMillan (Baldwin),
Eley,	McMillan (Wilcox),
Eyster,	Malone,
Espy,	Maxwell,
Ferguson,	Merrill,
Fitts,	Miller (Wilcox),
Fletcher,	Moody,
Foshee,	Mulkey,
Freeman,	Murphree,
Glover,	Norman,
Graham (Montgomery),	Oates,
Grayson,	O'Neal (Lauderdale),
Greer (Calhoun),	Opp,



O'Rear,  
 Parker (Cullman),  
 Parker (Elmore),  
 Pearce,  
 Pettus,  
 Pillans,  
 Pitts,  
 Porter,  
 Proctor,  
 Reese,  
 Reynolds (Henry),  
 Rogers (Lowndes),  
 Samford,  
 Sanders,  
 Sanford,  
 Searcy,  
 Selheimer,  
 Sentell,  
 Smith (Mobile),

Smith, Mac. A.,  
 Smith, Morgan M.  
 Sorrell,  
 Spears,  
 Stewart,  
 Studdard,  
 Tayloe,  
 Vaughan,  
 Waddell,  
 Walker,  
 Watts,  
 Weakley,  
 Whiteside,  
 Williams (Barbour),  
 Williams (Marengo),  
 Williams (Elmore),  
 Wilson (Clarke),  
 Wilson (Washington),  
 Winn—108.

#### NAYS.

Messrs. Beddow,  
 Burns,  
 Cobb,  
 Cofer,  
 Harrison,  
 Jones (Montgomery),  
 Kirkland,

Kyle,  
 Palmer,  
 Robinson,  
 Sloan,  
 Spragins,  
 White—13.

#### UNFINISHED BUSINESS.

The Convention proceeded to the consideration of unfinished business.

Mr. O'Neal, of Lauderdale, moved that the articles on Local Legislation, State and County Boundaries, and Banks and Banking be taken up for a third reading and adoption. The motion prevailed, and thereupon the article on Local Legislation was taken up and read a third time at length as follows:

An ordinance concerning Local Legislation.

Be it ordained by the people of Alabama in Convention assembled, That the following article on Local Legislation be inserted in the Constitution :

## ARTICLE —

### LOCAL LEGISLATION.

Section 1.—The General Assembly shall not pass a special, private or local law in any of the following cases :

First—Granting a divorce.

Second—Relieving any minor of the disabilities of non-age.

Third—Changing the name of any corporation, association or individual.

Fourth—Providing for the adoption or legitimizing of any child.

Fifth—Incorporating a town, city or village.

Sixth—Granting a charter to any corporation, association or individual.

Seventh—Establishing rules of descent or distribution.

Eighth—Regulating the time within which a civil or criminal action may be begun.

Ninth—Exempting any individual, private corporation or association from the operation of any general law.

Tenth—Providing for the sale of the property of any individual or estate.

Eleventh—Changing or locating a county seat.

Twelfth—Providing for a change of venue in any case.

Thirteenth—Regulating the rate of interest.

Fourteenth—Fixing the punishment of crime.

Fifteenth—Regulating either the assessment or collection of taxes, except in connection with the readjustment, renewal or extension of existing municipal indebtedness, created prior to the adoption of the Constitution of 1875.

**Sixteenth**—Giving effect to an invalid will, deed or other instrument.

**Seventeenth**—Authorizing any county, township, city, town or village to issue bonds or other security, except in cases in which the issuance of said bonds or other securities has been authorized by a vote of the duly qualified electors of such county, township, city, town or village, at an election held for such purpose in the manner that may be prescribed by law; provided, the General Assembly may pass special laws to refund bonds issued before the date of the ratification of this Constitution.

**Eighteenth**—Amending, confirming or extending the charter of any private municipal corporation or remitting the forfeiture thereof.

**Nineteenth**—Creating, extending or impairing any lien.

**Twentieth**—Chartering or licensing any ferry, road or bridge.

**Twenty-first**—Increasing the jurisdiction and fees of Justices of the Peace, or the fees of Constable.

**Twenty-second**—Establishing separate school districts.

**Twenty-third**—Establishing separate stock districts.

**Twenty-fourth**—Creating, increasing or decreasing fees, percentage or allowance of public officers.

**Twenty-fifth**—Exempting property from taxation or from levy or sale.

**Twenty-sixth**—Exempting any person from jury, road or other civil duty.

**Twenty-seventh**—Donating any land owned by or under control of the State to any person or corporation.

**Twenty-eighth**—Remitting fines, penalties or forfeitures.

**Twenty-ninth**—Providing for the conduct of elections or designating places of voting, or changing the boundaries of wards, precincts, districts, except on the organization of new counties, and changing the lines of old counties.

Thirtieth—Restoring the right to vote to persons convicted of infamous crimes or crimes involving moral turpitude.

Thirty-first—Declaring who shall be liners between counties.

No special, private or local law, except a law fixing the time of holding court, shall be enacted in any case, which is provided for by a general law, or when the relief sought can be given by any court of this State, and the courts, and not the General Assembly shall judge as to whether the matter of said law is provided for by a general law, and as to whether the relief sought can be given by any court; nor shall the General Assembly indirectly enact any such special, private or local law by the partial repeal of a general law.

The General Assembly shall pass general laws for the cases enumerated in this section; provided, that nothing in this section or article shall affect the right of the Legislature to enact local laws regulating or prohibiting the liquor traffic; provided, that the notice is given as required in Section 2 of this Article.

Sec. 2.—No special, private or local law shall be passed on any subject not enumerated in Section 1 of this article, except in reference to fixing the time of holding courts, unless notice of the intention to apply therefor shall have been published, without cost to the State, in the county or counties where the matter or thing to be affected may be situated, which notice shall state the substance of the proposed law, and be published at least once a week for four consecutive weeks in some newspaper, or if there is no newspaper published in the county, by posting the said notice for four consecutive weeks at five different public places in the county or counties, prior to the introduction of the bill; and the evidence that said notice has been given shall be exhibited to each House of the General Assembly, and the fact of said notice spread upon the Journal. The courts shall pronounce void every local law which the Journals do not affirmatively show was passed in accordance with the provisions of this section.

Sec. 3.—The General Assembly may repeal or modify by a special, private or local law any special, private or local law upon notice being given and shown, as provided in the last preceding section.

Sec. 4.—The operation of no general law shall be suspended for the benefit of any individual, private corporation or association, nor shall any individual, private corporation or association be exempted from the operation of any general law, except as in this article otherwise provided.

Sec. 5.—The General Assembly shall pass general laws under which local and private interests shall be provided for and protected.

Sec. 6.—A general law, within the meaning of this article, is a law which applies to the whole State; a local law is a law which applies to any political subdivision or subdivisions of the State less than the whole—a special or private law, within the meaning of this article, is one which applies to an individual, association or corporation.

Sec. 7.—No bill introduced as a general law into either House of the General Assembly shall be so amended in its passage as to become a special, private or local law.

The article was adopted and referred to the Committee on Order, Consistency and Harmony of the Whole Constitution. Yeas, 99; nays, 14.

#### YEAS.

Messrs. President,  
Altman,  
Banks,  
Barefield,  
Beddow,  
Bethune.  
Blackwell,  
Boone,  
Brooks,  
Browne,  
Bulger,

Burnett,  
Burns,  
Cardon,  
Chapman,  
Cobb,  
Cofer,  
Coleman (Greene),  
Cornwell,  
Craig,  
Cunningham,  
Davis (DeKalb),

Davis (Etowah),  
Duke,  
Eley,  
Espy,  
Ferguson,  
Fletcher,  
Glover,  
Graham (Talladega),  
Grayson,  
Greer (Calhoun),  
Greer (Perry),  
Handley,  
Harrison,  
Heflin (Chambers),  
Heflin (Randolph),  
Hinson,  
Hodges,  
Hood,  
Howell,  
Howze,  
Inge,  
Jackson.  
Jones (Bibb),  
Jones (Montgomery),  
Jones (Wilcox),  
Knight,  
Kyle,  
Leigh,  
Locklin,  
Lomax,  
Macdonald,  
McMillan (Baldwin),  
McMillan (Wilcox),  
Malone,  
Martin,  
Maxwell,  
Miller (Wilcox),  
Moody,  
Murphree,

NeSmith,  
Norman,  
Oates,  
O'Neal (Lauderdale),  
O'Neill (Jefferson),  
Opp,  
O'Rear,  
Palmer,  
Parker (Cullman),  
Pearce,  
Pillans,  
Reese,  
Reynolds (Henry),  
Robinson,  
Rogers (Lowndes),  
Sanders,  
Sanford,  
Searcy,  
Selheimer,  
Sloan,  
Smith (Mobile),  
Smith, Mac. A.,  
Smith, Morgan M.,  
Sorrell,  
Spragins,  
Stewart,  
Tayloe,  
Vaughan,  
Waddell,  
Walker,  
Watts,  
Weakley,  
White,  
Whiteside,  
Williams (Barbour),  
Williams (Marengo),  
Wilson (Washington),  
Winn—99.

## NAYS.

Messrs. Carmichael,	Kirkland,
(Colbert),	Long (Walker),
Dent,	Merrill,
deGraffenried,	Pettus,
Foshec,	Spears,
Freeman,	Studdard,
Henderson,	Wilson (Clarke)—14.
Kirk,	

The Article on State and County Boundaries was read a third time at length as follows, and adopted, and referred to the Committee on Order, Consistency and Harmony of the Whole Constitution: Yeas, 107; nays, 12.

## YEAS.

Messrs. President,	Dent,
Almon,	deGraffenried,
Altman,	Duke,
Ashcraft,	Eley,
Banks,	Eyster,
Barefield,	Espy,
Beddow,	Ferguson,
Bethune,	Fletcher,
Blackwell,	Graham (Montgomery),
Boone,	Graham (Talladega),
Brooks,	Grayson,
Browne,	(Greer (Calhoun),
Bulger,	Haley,
Burnett,	Handley,
Burns,	Harrison,
Cardon,	Heflin (Chambers),
Chapman,	Heflin (Randolph),
Cobb,	Henderson,
Coleman (Greene),	Hinson,
Craig,	Hodges,
Cunningham,	Hood,
Davis (DeKalb),	Howell,
Davis, (Etowah),	Howze,

Inge,  
 Jackson,  
 Jenkins,  
 Jones (Bibb),  
 Jones (Montgomery),  
 Jones (Wilcox),  
 Kirk,  
 Knight,  
 Kyle,  
 Leigh,  
 Locklin,  
 Lomax,  
 Long (Butler),  
 Long (Walker),  
 Macdonald,  
 McMillan (Baldwin),  
 McMillan (Wilcox),  
 Malone,  
 Martin,  
 Maxwell,  
 Merrill,  
 Miller (Wilcox),  
 Moody,  
 NeSmith,  
 Norman,  
 O'Neal (Lauderdale),  
 O'Neill (Jefferson),  
 Opp,  
 O'Rear,  
 Palmer,  
 Parker (Cullman),

Parker (Elmore),  
 Pearce,  
 Pettus,  
 Pillans,  
 Pitts,  
 Proctor,  
 Robinson,  
 Rogers (Lowndes),  
 Sanders,  
 Searcy,  
 Selheimer,  
 Sentell,  
 Smith (Mobile),  
 Smith, Morgan M.,  
 Sorrell,  
 Spears,  
 Spragins,  
 Stewart,  
 Tayloe,  
 Vaughan,  
 Waddell,  
 Walker,  
 Weakley,  
 White,  
 Whiteside,  
 Williams (Barbour),  
 Williams (Elmore),  
 Wilson (Clarke),  
 Wilson (Washington).  
 Winn—107.

NAYS.

Messrs. Cofer,  
 Fitts,  
 Foshee,  
 Freeman,  
 Mulkey,  
 Oates,

Porter.  
 Reynolds (Henry),  
 Sanford,  
 Sloan,  
 Smith, Mac. A.,  
 Studdard,



An ordinance to create and define the State and County Boundaries, and to regulate the location of county sites and the formation of new counties.

Be it ordained by the people of Alabama, in Convention assembled, that Article II of the Constitution be stricken out and the following article inserted in lieu thereof:

## ARTICLE II.

State and County Boundaries, County Sites and New Counties.

Section 1.—The boundaries of this State are established and declared to be as follows, that is to say:

Beginning at the point where the 31st degree of north latitude crosses the Perdido river; thence east to the west boundary line of the State of Georgia; thence along said line to the southern boundary line of the State of Tennessee; thence west along the southern boundary line of the State of Tennessee, crossing the Tennessee river and on to the second intersection of said river by said line; thence up said river to the mouth of Big Bear creek, thence by direct line to the northwest corner of Washington county, in this State, as originally formed; thence southerly along the line of the State of Mississippi, to the Gulf of Mexico; thence eastwardly, including all islands within six leagues of the shore, to the Perdido river, thence up the said river to the beginning; provided that the limits and jurisdiction of this State shall extend to and include any other land and territory now acquired or hereafter acquired by contract or agreement with other States, or otherwise, although such land and territory are not included within the boundaries hereinbefore designated.

Sec. 2.—The boundaries of the several counties of this State as they now exist are hereby ratified and confirmed.

Sec. 3.—The General Assembly may, by a vote of two-thirds of both Houses thereof, arrange and designate boundaries for the several counties of this State, which boundaries shall not be altered, except by a like vote;

but no new counties shall be hereafter formed of less extent than 600 square miles, and no existing county shall be reduced to less than 600 square miles; and no new county shall be formed which does not contain a sufficient number of inhabitants to entitle it to one Representative under the ratio of representation existing at the time of its formation, and leave the county or counties from which it is taken without the required number of inhabitants, entitling such county or counties to separate representation; provided that out of the counties of Henry, Dale and Geneva a new county may be formed under the provisions of this article for forming new counties, so as to leave said counties of Henry, Dale and Geneva with not less than 500 square miles each.

Sec. 4.—No county line shall be altered or changed, or in the creation of new counties, shall be established, so as to run within seven miles of the county court house of any old county.

Sec. 5.—No county site shall be removed except by a majority vote of the qualified electors of said county, voting in an election held for such purpose, and when an election has once been held for such purpose no other election can be held for such purpose until the expiration of four years; provided, that the county site of Shelby county of this State shall be and remain at Columbiana, unless removed by a vote of the people as provided for in an act entitled "An act to provide for the permanent location of the county site of Shelby county, Alabama, by a vote of the qualified electors of said county," approved the 9th day of February, 1899; and the act amendatory thereto, approved the 20th day of February, 1899, or by an election held under the provisions of this article.

YEAS.

Messrs. President,  
Almon,  
Altman,  
Ashcraft,

Banks,  
Barefield,  
Beddow,  
Bethune,

Blackwell,	Jones (Montgomery),
Boone,	Jones (Wilcox),
Brooks,	Kirk,
Browne,	Knight,
Bulger,	Kyle,
Burnett,	Leigh,
Burns,	Locklin,
Cardon,	Lomax,
Chapman,	Long (Butler),
Cobb,	Long (Walker),
Coleman (Greene),	Macdonald,
Craig,	McMillan (Baldwin),
Cunningham,	McMillan (Wilcox),
Davis (DeKalb),	Malone,
Davis (Etowah),	Martin,
Dent,	Maxwell,
deGraffenried,	Merrill,
Duke,	Miller (Wilcox),
Eley,	Moody,
Eyster,	NeSmith,
Espy,	Norman,
Ferguson,	O'Neal (Lauderdale),
Fletcher,	O'Neill (Jefferson),
Graham (Montgomery),	Opp,
Graham (Talladega),	O'Rear,
Grayson,	Palmer,
Greer (Calhoun),	Parker (Cullman),
Haley,	Parker (Elmore),
Handley,	Pearce,
Harrison,	Pettus,
Heflin (Chambers),	Pillans,
Heflin (Randolph),	Pitts,
Henderson,	Proctor,
Hinson,	Robinson,
Hodges,	Rogers (Lowndes),
Hood,	Sanders,
Howell,	Searcy,
Howze,	Selheimer,
Inge,	Sentell,
Jackson,	Smith (Mobile),
Jenkins,	Smith, Morgan M.
Jones (Bibb),	Sorrell,

Spears,  
Spragins,  
Stewart,  
Tayloe,  
Vaughan,  
Waddell,  
Walker,  
Weakley,

White,  
Whiteside,  
Williams (Barbour),  
Williams (Elmore),  
Wilson (Clarke),  
Wilson (Washington).  
Winn—107.

NAYS.

Messrs. Cofer,  
Fitts,  
Foshee,  
Freeman,  
Mulkey,  
Oates,

Porter,  
Reynolds (Henry),  
Sanford,  
Sloan,  
Smith, Mac. A.,  
Studdard—12.

The article on Banks and Banking was read a third time at length, as follows, and adopted, and referred to the Committee on Order, Consistency and Harmony of the Whole Constitution: Yeas, 108; nays, 7.

YEAS.

Messrs. President,  
Almon,  
Altman,  
Ashcraft,  
Banks,  
Barefield,  
Beddow,  
Bethune,  
Blackwell,  
Boone,  
Brooks,  
Browne,  
Bulger,  
Burnett,  
Burns,  
Cardon,

Carmichael (Colbert),  
Cobb,  
Cofer,  
Coleman (Greene),  
Cornwell,  
Craig,  
Cunningham,  
Davis (Etowah),  
Dent,  
Duke,  
Espy,  
Ferguson,  
Fitts,  
Fletcher,  
Glover,  
Graham (Montgomery),

Graham (Talladega),  
Grayson,  
Greer (Calhoun),  
Greer (Perry),  
Haley,  
Handley, •  
Harrison,  
Heflin (Chambers),  
Heflin (Randolph),  
Hinson,  
Hodges,  
Hood,  
Howell,  
Howze,  
Inge,  
Jackson,  
Jenkins,  
Jones (Bibb),  
Jones (Wilcox),  
Kirk,  
Kirkland,  
Kyle,  
Leigh,  
Locklin,  
Lomax,  
Lowe (Jefferson),  
Macdonald,  
McMillan (Baldwin),  
McMillan (Wilcox),  
Malone,  
Martin,  
Maxwell,  
Miller (Wilcox),  
Moody,  
Mulkey,  
Murphree,  
NeSmith,  
Norman,  
Oates,

O'Neal (Lauderdale),  
O'Neill (Jefferson),  
Opp,  
Palmer,  
Parker (Cullman),  
Parker (Elmore),  
Pearce,  
Pettus,  
Pillans,  
Pitts,  
Porter,  
Proctor,  
Reynolds (Henry),  
Robinson,  
Rogers (Lowndes),  
Sanders,  
Sanford,  
Searcy,  
Selheimer,  
Sentell,  
Smith, Mac. A.,  
Smith, Morgan M.,  
Sorrell,  
Spears,  
Spragins,  
Stewart,  
Studdard,  
Tayloe,  
Vaughan,  
Waddell,  
Weakley,  
White,  
Whiteside,  
Williams (Barbour),  
Williams (Elmore),  
Wilson (Clarke),  
Wilson (Washington).  
Winn—108.

## NAYS.

Messrs. deGraffenried,  
Eley,  
Foshee,  
Freeman,

Henderson,  
Long (Butler),  
Reese—7.

## ARTICLE XIV.

## Section 1.—Subdivision Banks and Banking.

The General Assembly shall not have the power to establish or incorporate any bank or banking company or money institution for the purpose of issuing bills of credit or bills payable to order or bearer, except under the conditions prescribed in this Constitution.

Sec. 2.—No bank shall be established otherwise than under a general banking law, nor otherwise than upon a specie basis; provided, that any bank may be established with authority to issue bills to circulate as money in equal amount to the face value of bonds of the United States or of this State, convertible into specie at their face value, which shall, before such bank is authorized to issue its bills for circulation, be deposited with the State Treasurer or other depository prescribed by law, in an amount equal to the aggregate of such proposed issue, with power in such treasurer or depository to dispose of any or all of such bonds for a sufficient amount of specie to redeem the circulating notes of such bank at any time and without delay, should such bank suspend payment, or fail to redeem its notes on demand.

Sec. 3.—All bills or notes issued as money shall be at all times redeemable in gold or silver, and no law shall be passed sanctioning directly or indirectly, the suspension of any bank or banking company of specie payment.

Sec. 4.—Holders of bank notes and depositors who have not stipulated for interest, shall, for such notes and deposits, be entitled in case of insolvency, to the preference of payment over all other creditors; provided, this section shall apply to all banks whether incorporated or not.

Sec. 5.—Every bank or banking company shall be required to cease all banking operations within twenty

years from the time of its organization (unless the General Assembly shall extend the time) and promptly thereafter close its business; but shall have corporate capacity to sue and shall be liable to suits until its affairs and liabilities are fully closed.

Sec. 6.—No banks shall receive, directly or indirectly, a greater rate of interest than shall be allowed by law to individuals for lending money.

Sec. 7.—Neither the State nor any political subdivision thereof shall be a stockholder in any bank, nor shall the credit of the State ever be given, or loaned, to any banking company, association or corporation.

Sec. 8.—The General Assembly shall, by appropriate laws, provide for the examination, by some public officer, of all banks and banking institutions and trust companies engaged in banking business in this State. And each of such banks and banking companies or institutions shall, through its president or such other officer as the General Assembly may designate, under oath, make a report of its resources and liabilities at least twice a year.

Sec. 9.—That the provisions of this article shall apply to all banks, trust companies and individuals doing a banking business, except national banks, whether incorporated or not.

#### YEAS.

Messrs. President,  
Altman,  
Ashcraft,  
Banks,  
Barefield,  
Reddow,  
Bethune,  
Blackwell;  
Boone,  
Brooks,  
Browne,  
Bulger,  
Burnett,

Burns,  
Cardon,  
Carmichael (Colbert),  
Cobb,  
Cofer,  
Coleman (Greene),  
Cornwell,  
Craig,  
Cunningham,  
Davis (Etowah),  
Dent,  
Duke,  
Espy,

Ferguson,  
 Pitts,  
 Fletcher,  
 Glover,  
 Graham (Montgomery),  
 Graham (Talladega).  
 Grayson,  
 Greer (Calhoun),  
 Greer (Perry),  
 Haley,  
 Handley,  
 Harrison,  
 Heflin (Chambers),  
 Heflin (Randolph),  
 Hinson,  
 Hodges,  
 Hood,  
 Howell,  
 Howze,  
 Inge,  
 Jackson,  
 Jenkins,  
 Jones (Bibb),  
 Jones (Wilcox),  
 Kirk.  
 Kirkland,  
 Kyle,  
 Leigh,  
 Locklin,  
 Lomax,  
 Lowe (Jefferson),  
 Macdonald,  
 McMillan (Baldwin),  
 McMillan (Wilcox),  
 Malone,  
 Martin,  
 Maxwell,  
 Miller (Wilcox),  
 Moody,  
 Mulkey,  
 Murphree,

NeSmith,  
 Norman,  
 Oates,  
 O'Neal (Lauderdale),  
 O'Neill, (Jefferson),  
 Opp,  
 Palmer,  
 Parker (Cullman),  
 Parker (Elmore),  
 Pearce,  
 Pettus,  
 Pillans,  
 Pitts,  
 Porter,  
 Proctor,  
 Reynolds (Henry),  
 Robinson,  
 Rogers (Lowndes),  
 Sanders,  
 Sanford,  
 Searcy,  
 Selheimer,  
 Sentell,  
 Smith, Mac. A.,  
 Smith, Morgan M.,  
 Sorrell,  
 Spears.  
 Spragins,  
 Stewart,  
 Studdard,  
 Tayloe,  
 Vaughan,  
 Waddell,  
 Weakley,  
 White,  
 Whiteside,  
 Williams (Barbour),  
 Williams (Elmore),  
 Wilson (Clarke),  
 Wilson (Washington).  
 Winn—108.



## NAYS.

Messrs. deGraffenried,  
Eley,  
Foshee,  
Freeman,

Henderson,  
Long (Butler),  
Reese—7.

## RECONSIDERATION.

Mr. Coleman, of Greene, moved to reconsider the vote by which Section 27 of the report of the Committee on Legislative Department was adopted on yesterday.

The motion to reconsider prevailed.

Mr. Coleman, of Greene, offered the following amendment to Section 27:

Amend Section 27 by adding to the section the following: "And any surplus that may be in the State Treasury; provided, that if from any cause it becomes necessary to rebuild the capitol of the State, the Legislature is authorized to make such appropriations as may be required."

Mr. Cobb offered the following substitute for the section and amendment:

To strike out the section and amendment.

The substitute of Mr. Cobb was adopted, and the section 27 was stricken out: Yeas, 71; nays, 56.

## YEAS.

Messrs. President,  
Almon,  
Ashcraft,  
Banks,  
Bethune,  
Blackwell,  
Boone,  
Brooks,  
Burns,  
Carmichael (Colbert),  
Cobb,  
Cunningham,

Davis (DeKalb),  
Davis (Etowah),  
Dent,  
Eyster,  
Ferguson,  
Fitts,  
Foshee,  
Graham (Montgomery),  
Greer (Calhoun),  
Haley,  
Heflin (Chambers),  
Heflin (Randolph),

Hodges,  
Hood,  
Howell,  
Jones (Bibb),  
Jones (Montgomery),  
Kirkland,  
Knight,  
Leigh,  
Lomax,  
Long (Walker),  
Lowe (Jefferson),  
McMillan (Wilcox),  
Maxwell,  
Merrill,  
Miller (Wilcox),  
Moody,  
Mulkey,  
NeSmith,  
Norman,  
O'Neal (Lauderdale),  
O'Neill, (Jefferson),  
Opp,  
O'Rear,  
Parker (Cullman),

Parker (Elmore),  
Pettus,  
Pillans,  
Proctor,  
Reese,  
Robinson,  
Rogers (Lowndes),  
Samford,  
Selheimer,  
Sentell,  
Sloan,  
Smith (Mobile),  
Sorrell,  
Spears,  
Vaughan,  
Waddell,  
Watts,  
Weakley,  
White,  
Williams (Marengo),  
Williams (Elmore),  
Wilson (Clarke),  
Wilson (Washington)—71

## NAYS.

Messrs. Altman,  
Barefield,  
Beddow,  
Browne,  
Bulger,  
Burnett,  
Cardon,  
Chapman,  
Cofer,  
Coleman (Greene),  
Cornwell,  
deGraffenried,  
Duke,  
Eley,  
Espy,

Fletcher,  
Glover,  
Graham (Talladega).  
Grayson,  
Greer (Perry),  
Handley,  
Harrison,  
Henderson,  
Hinson,  
Howze,  
Inge,  
Jackson,  
Jenkins,  
Jones (Wilcox),  
Kirk,

Kyle,  
Locklin,  
Macdonald,  
McMillan (Baldwin).  
Malone,  
Martin,  
Murphree,  
Oates,  
Palmer,  
Pearce,  
Pitts,  
Porter,  
Reynolds (Henry),

Sanders,  
Sanford,  
Searcy,  
Smith, Mac. A.  
Smith, Morgan M.,  
Spragins,  
Stewart,  
Studdard,  
Tayloe,  
Walker,  
Whiteside,  
Williams (Barbour),  
Winn—56.

#### UNFINISHED BUSINESS.

The Convention proceeded to the consideration of the unfinished business, which was the report of the Committee on Legislative Department.

The question was upon the substitute offered by Mr. Boone for the substitute for Section 29, offered by Mr. Vaughan.

By unanimous consent the substitute offered by Mr. Boone was withdrawn.

Mr. Boone offered the following substitute for Section 29, and the pending substitute offered by Mr. Vaughan:

All bills for raising revenue shall originate in the House of Representatives, the Governor, Auditor and Attorney General shall, before each regular session of the Legislature, prepare a general revenue bill to be submitted to the Legislature for its information, and the Secretary of State shall have printed for the use of the Legislature a sufficient number of copies of the bill so prepared, which the Governor shall transmit to the House of Representatives as soon as organized, to be used or dealt with as that House may elect. The Senate may propose amendments to revenue bills. No revenue bill shall be passed during the last five days of the session.

Mr. Lomax renewed his point of order that two substitutes could not be entertained at the same time.

The Chair overruled the point of order.

Mr. Oates asked unanimous consent to amend Section 29 by striking out the words "appropriation or" before the word "revenue" and after the word "no."

Consent was granted and Section 29 was amended accordingly.

Section 29 was amended and adopted.

#### RECESS.

Pending the further consideration of the report of the Committee on Legislative Department, the hour of 1 o'clock p. m. arrived, and under the rules the Convention recessed until 3:30 o'clock this afternoon.

#### AFTERNOON SESSION.

The Convention met pursuant to adjournment.

#### ROLL CALL.

On a call of the roll of the Convention, the following delegates answered to their names, which constituted a quorum:

Messrs. President,

Almon,

Altman,

Ashcraft,

Banks,

Barefield,

Beddow,

Bethune,

Blackwell,

Boone,

Brooks,

Browne,

Bulger,

Burnett,

Burns,

Cardon,

Carmichael (Colbert),

Carmichael (Coffee),

Carnathon,

Chapman,

Cobb,

Cofer,

Coleman (Greene),

Cornwell,

Craig,

Davis (DeKalb),

Davis (Etowah),	Leigh,
Dent,	Lomax,
deGraffenried,	Long (Butler),
Duke,	Long (Walker),
Eley,	Lowe (Jefferson),
Eyster,	Macdonald,
Espy,	McMillan (Wilcox),
Ferguson,	Malone,
Fitts,	Martin,
Fletcher,	Maxwell,
Freeman,	Merrill,
Gilmore,	Miller (Marengo),
Glover,	Miller (Wilcox),
Graham (Montgomery),	Mulkey,
Graham (Talladega),	Murphree,
Grayson,	NeSmith,
Greer (Calhoun),	Norman,
Greer (Perry),	Oates,
Handley,	O'Neal (Lauderdale),
Harrison,	O'Neill (Jefferson),
Heflin (Chambers),	Opp,
Heflin (Randolph),	O'Rear,
Henderson,	Palmer,
Hinson,	Parker (Cullman),
Hood,	Parker (Elmore),
Howell,	Pearce,
Howze,	Pettus,
Inge,	Pillans,
Jackson,	Pitts,
Jenkins,	Porter,
Jones (Montgomery),	Proctor,
Jones (Wilcox),	Reese,
Kirk,	Reynolds (Henry),
Kirkland,	Robinson,
Knight,	Rogers (Lowndes),
Kyle,	Rogers (Sumter),
Ledbetter,	Samford,

Sanders,  
 Sanford,  
 Selheimer,  
 Sentell,  
 Sloan,  
 Smith (Mobile),  
 Smith, Mac. A.  
 Smith, Morgan M.,  
 Sollie,  
 Spears,  
 Spragins,  
 Tayloe,

Vaughan,  
 Waddell,  
 Walker,  
 Watts,  
 Weakley,  
 White,  
 Willett,  
 Williams (Barbour),  
 Wilson (Clarke),  
 Wilson (Washington),  
 Winn—123.

## RESOLUTIONS.

The following resolution was offered, read one time at length, and referred to an appropriate committee, as follows:

Resolution 256, by Mr. Long, of Walker:

Whereas, a wave of patriotism has taken a rabid hold upon some of the members of this Convention to such an extent as to wound their consciences, by being required to draw their per diem, and

Whereas, This Convention has no intention of infringing upon the right of any delegate; therefore be it

Resolved, by the people of Alabama, in Convention assembled, That the Secretary be and he is hereby required to secure a blank book to be used only by the members who desire no pay, which fact shall be determined by the member signing therein, said book to be kept open for signatures of volunteer members at all hours, and the Secretary shall witness each signature under the proper date, and no member shall be allowed any pay from the State thereafter.

Provided, That the hotels, restaurants, boarding houses and saloons of Montgomery be and they are hereby required to furnish free of charge board, lodging, laundry, liquors and cigars to such members as voluntarily surrender their pay; because the Good Book says: "The laborer is worthy of his hire, and the ass shall not be muzzled."

The resolution was referred to the Committee on Preamble and Declaration of Rights.

#### UNFINISHED BUSINESS.

The Convention proceeded to the consideration of the unfinished business, which was the report of the Committee on Legislative Department.

The question was upon the substitute offered by Mr. Boone for the substitute offered by Mr. Vaughan, and Section 29 of the report of the Committee on Legislative Department.

The substitute of Mr. Boone was adopted: Yeas, 74; nays, 41.

#### YEAS.

Messrs. Altman,	Greer (Calhoun),
Ashcraft,	Greer (Perry),
Beddow,	Haley,
Boone,	Handley,
Bulger,	Harrison,
Burnett,	Heflin (Chambers),
Burns,	Hood,
Chapman,	Howell,
Cofer,	Howze,
Cornwell,	Inge,
Craig,	Jenkins,
Davis (Etowah),	Jones (Bibb),
Dent,	Jones (Hale),
deGraffenried,	Jones (Wilcox),
Duke,	Kirkland,
Eley,	Knight,
Eyster,	Kyle,
Espy,	Long (Butler),
Ferguson,	Macdonald,
Fletcher,	McMillan (Baldwin),
Glover,	Malone,
Graham (Montgomery),	Maxwell,
Graham (Talladega),	Miller (Wilcox),
Grayson,	Murphree,

NeSmith,  
 Norman,  
 Norwood,  
 Oates,  
 O'Neal (Lauderdale),  
 O'Neill (Jefferson),  
 Opp,  
 O'Rear,  
 Palmer,  
 Parker (Cullman),  
 Parker (Elmore),  
 Pearce,  
 Pillans,  
 Pitts,

Reynolds (Henry),  
 Robinson,  
 Searcy,  
 Sentell,  
 Smith, Mac. A.,  
 Smith, Morgan M.  
 Spragins,  
 Tayloe,  
 Walker,  
 Williams (Barbour),  
 Williams (Marengo),  
 Wilson (Clarke).  
 Winn—74.

## NAYS.

Messrs. Almon,  
 Banks,  
 Barefield,  
 Blackwell,  
 Brooks,  
 Carmichael (Colbert),  
 Cobb,  
 Cunningham.  
 Davis (DeKalb),  
 Heflin (Randolph),  
 Henderson,  
 Hodges,  
 Jones (Montgomery),  
 Kirk,  
 Leigh,  
 Lomax,  
 Long (Walker),  
 Lowe (Jefferson),  
 McMillan (Wilcox),  
 Martin,  
 Merrill,

Moody,  
 Pettus,  
 Porter,  
 Proctor,  
 Rogers (Lowndes),  
 Sanford,  
 Sanders,  
 Sanford,  
 Selheimer,  
 Sloan,  
 Smith (Mobile),  
 Spears,  
 Stewart,  
 Studdard,  
 Vaughan,  
 Weakley,  
 White,  
 Whiteside,  
 Willett,  
 Wilson (Washington)—41.

Section 29, as amended, was adopted.



## RECONSIDERATION.

Mr. Williams, of Marengo, moved to reconsider the vote by which Section 29 was adopted, and moved a suspension of the rules for immediate reconsideration.

The motion to suspend the rules was lost.

Mr. O'Neal of Lauderdale gave notice that on tomorrow he would move to reconsider the vote by which Section 29 was adopted.

## SECTION THIRTY.

Was read at length as follows:

Sec. 30. The general appropriation bill shall embrace nothing but appropriations for the ordinary expenses of the Executive, Legislative and Judicial departments of the State, interest on the public debt, and for the public schools. The salary of no officer or employe shall be increased in such bill, nor shall any appropriation be made for any officer or employe unless his employment and the amount of his salary have already been provided for by law. All other appropriations shall be made by separate bill, and each embracing but one subject.

Mr. Lowe, of Jefferson, offered the following amendment to Section 30:

Amend Section 30 by striking out the word "ordinary" where it appears in the second line of said section.

On motion of Mr. Oates the amendment of Mr. Lowe, of Jefferson, was laid upon the table.

Mr. Jenkins offered the following amendment to Section 30:

Amend Section 30 by adding after the word "debt" in the third line, the following: Appropriations for the State University, the Alabama Polytechnic Institute, the Industrial School for White Girls at Montevallo.

On motion of Mr. Oates the amendment of Mr. Jenkins was laid upon the table.

On motion of Mr. Oates Section 30 was adopted.

## SECTION THIRTY-ONE.

Was read at length as follows and adopted:

Sec. 31. No money shall be paid out of the Treasury except upon appropriation made by law, and on warrant drawn by the proper officer in pursuance thereof; and a regular statement and account of receipts and expenditures of all public moneys shall be published annually, in such manner as may be by law directed.

## SECTION THIRTY-TWO.

Was read at length as follows:

Sec. 32. No appropriation shall be made to any charitable or educational institution not under the absolute control of the State, other than normal schools established by law for the professional training of teachers for the public schools of the State, except by vote of two-thirds of all members elected to each House.

Mr. Spragins offered the following amendment to Section 32:

To amend Section 32 by striking out the words "other than Normal schools established by law for the professional training of teachers for the public schools of the State."

On motion of Mr. Oates the amendment of Mr. Spragins was laid upon the table.

On motion of Mr. Oates, Section 32 was adopted.

## SECTION THIRTY-THREE.

Was read at length as follows and adopted:

Sec. 33. No act of the Legislature shall authorize the investment of any trust fund by executors, administrators, guardians and other trustees in the bonds or stock of any private corporation; and any such acts now existing are avoided, saving investments heretofore made.

## SECTION THIRTY-FOUR.

Was read at length as follows and adopted:

Sec. 34. The power to change the venue in civil and criminal cases is vested in the courts, to be exercised in such manner as shall be provided by law.

## SECTION THIRTY-FIVE.

Was read at length as follows:

Sec. 35. When the Legislature shall be convened in special session there shall be no legislation upon subjects other than those designated in the proclamation of the Governor calling such session, except by a vote of two-thirds of each House.

Mr. Jones, of Montgomery, offered the following amendment to Section 35:

Amend Section 35 by striking out the words "except by two-thirds vote of each House."

Mr. Samford offered the following amendment to the amendment of Mr. Jones, of Montgomery:

Amend Section 35 by adding to the end thereof the words "and special sessions shall be limited to thirty days."

The amendment to the amendment was adopted.

Mr. O'Neal, of Lauderdale, offered the following substitute for the amendment offered by Mr. Jones, of Montgomery:

Amend Section 35 by adding thereto the following: That a special session of the Legislature shall be called by the Governor every two years, but said special session shall not continue longer than forty days.

On motion of Mr. Macdonald the substitute of Mr. O'Neal, of Lauderdale, was laid upon the table.

The question recurred upon the adoption of the amendment offered by Mr. Jones, of Montgomery, as amended by the amendment of Mr. Samford:

The amendment was lost.

On motion of Mr. Oates Section 35 was adopted.

## RECONSIDERATION.

Mr. Samford moved to reconsider the vote by which Section 35 was adopted, which motion, under the rules, went over until to-morrow.

## SECTION THIRTY-SIX.

Was read at length as follows and adopted:

Sec. 36. No State office shall be continued or created for the inspection or measuring of any merchandise, manufacture or commodity, but any county or municipality may appoint such officers when authorized by law.

## SECTION THIRTY-SEVEN.

Was read at length as follows, and adopted:

Sec. 37. No act of the Legislature changing the seat of government of the State shall become a law until the same shall have been submitted to the qualified electors of the State at a general election, and approved by a majority of such electors voting on the same; and such act shall specify the proposed new location.

## SECTION THIRTY-EIGHT.

Was read at length as follows:

Sec. 38. A member of the Legislature who shall corruptly solicit, demand or receive, or consent to receive, directly or indirectly, for himself or for another, from any company, corporation or person, any money, office, appointment, employment, reward, thing of value, or enjoyment, or personal advantage or promise thereof, for his vote or official influence or for withholding the same, or with an understanding, expressed or implied, that his vote or his official action shall in any way be influenced thereby; or who shall solicit or demand any such money or other advantage, matter or thing aforesaid, for another as the consideration of his vote or official influence, or for withholding the same; or shall give or withhold his vote or influence in consideration

of the payment or promise of such money, advantage, matter or thing to another, shall be guilty of bribery within the meaning of this Constitution; and shall incur the disabilities provided thereby for such offense, and such additional punishment as is or shall be provided by law.

Mr. Pettus offered the following amendment to Section 38, which was adopted:

Amend Section 38 by striking out the word "corruptly" where it appears in said section.

Mr. Heflin, of Chambers, offered the following amendment to Section 38:

Amend by striking out "thereby" in line eleven.

On motion of Mr. Oates the amendment was laid upon the table.

Mr. Pettus offered the following amendment to Section 38, which was adopted:

Amend Section 38 by striking out the word "official" where it appears in line eight of Section 38 on page 17 of the printed article on Legislative Department.

Mr. Burns offered the following amendment to Section 38:

Amend Section 38 by adding after the word "reward" in the third line the words "free pass."

Mr. Greer, of Calhoun, moved to table the amendment offered by Mr. Burns.

The motion prevailed, and the amendment of Mr. Burns was laid upon the table.

Mr. Pillans made the point of order that before the vote was put to the Convention he was upon his feet demanding that a yea and nay vote be taken.

The President (Mr. Harrison in the Chair) stated to the gentleman from Mobile, Mr. Pillans, that he did not hear his demand owing to the confusion in the hall, but that he would ask unanimous consent of the Convention to order the yeas and nays taken upon the motion to table the amendment.

Thereupon Mr. Cofer made the point of order that the matter and substance contained in the amendment were *res adjudicata*, having been heretofore acted upon

by the Convention, and that said amendment was therefore out of order.

The point of order was sustained.

Mr. Jones, of Montgomery, appealed from the decision of the Chair.

On motion the Convention decided to remain in session until the pending question, the appeal from the decision of the Chair, was disposed of.

Mr. Greer, of Calhoun, raised the point of order that before the Convention could decide to remain in session beyond the hour of adjournment, under the rules, the rules would have to be suspended.

The President (Mr. Harrison) overruled the point of order.

The question recurred upon the appeal from the decision of the Chair.

The question being, shall the Chair be sustained, the Chair was not sustained, by the following vote: Yeas, 30; nays, 61.

## YEAS.

Messrs. Almon,  
Barefield,  
Browne,  
Bulger,  
Carmichael (Colbert),  
Cofer,  
Davis (DeKalb),  
Davis (Etowah),  
Eyster,  
Greer (Calhoun),  
Heffin (Chambers),  
Heffin (Randolph),  
Henderson,  
Knight,  
Long (Butler),

NeSmith,  
Parker (Cullman),  
Porter,  
Proctor,  
Reynolds (Henry),  
Rogers (Lowndes),  
Searey,  
Sentell,  
Sloan,  
Smith (Mobile),  
Smith, Mac. A.,  
Sorrell,  
Williams (Maréngo)  
Wilson (Clarke),  
Wilson (Washington)—30.

## NAYS.

Messrs Ashcraft,	Maxwell,
Banks,	Merrill,
Beddow,	Miller (Wilcox),
Blackwell,	Moody,
Boone,	Murphree,
Brooks,	Norman,
Burns,	Norwood,
Cobb,	Oates,
Coleman (Greene),	O'Neal (Lauderdale),
Cunningham,	Opp,
Dent,	Palmer,
Duke,	Parker (Elmore),
Eley,	Pettus,
Ferguson,	Pillans,
Fitts,	Pitts,
Fletcher,	Reese,
Glover,	Robinson,
Handley,	Rogers (Sumter),
Hood,	Samford,
Howell,	Sanders,
Jenkins,	Sanford,
Jones (Hale),	Selheimer,
Jones (Montgomery),	Spragins,
Jones (Wilcox),	Stewart,
Kyle,	Tayloe,
Leigh,	Vaughan,
Lomax,	Walker,
Lowe (Jefferson),	Weakley,
Macdonald,	Whiteside,
McMillan (Wilcox),	Winn—61.
Martin,	

## ADJOURNMENT.

The time for adjournment having arrived, the Convention adjourned until to-morrow morning at 9:30 o'clock.

## FIFTIETH DAY.

## CONVENTION HALL.

Montgomery, Ala., Saturday, July 20, 1901.

The Convention met pursuant to adjournment.

Prayer was offered by Rev. Mr. Howell of the Convention.

## ROLL CALL.

On a call of the roll of the Convention the following delegates answered to their names, which constituted quorum :

Messrs. President,	Dent,
Almon,	deGraffenried,
Altman,	Duke,
Ashcraft,	Eley,
Banks,	Eyster,
Barefield,	Ferguson,
Beddow,	Fitts,
Blackwell,	Fletcher,
Boone,	Freeman,
Brooks,	Glover,
Browne,	Graham (Montgomery),
Bulger,	Graham (Talladega),
Burns,	Greer (Calhoun),
Cardon,	Handley,
Carmichael (Colbert),	Harrison,
Case,	Heflin (Chambers),
Chapman,	Hood,
Cobb,	Howell,
Cofer,	Jackson,
Coleman (Greene),	Jenkins,
Cornwell,	Jones (Montgomery),
Craig,	Jones (Wilcox),
Cunningham,	Kirkland,
Davis (DeKalb),	Knight,



Kyle,	Robinson,
Leigh,	Rogers (Lowndes),
Locklin,	Rogers (Sumter),
Lomax,	Sanders,
Long (Butler),	Sanford,
Long (Walker),	Searcy,
Lowe (Jefferson),	Selheimer,
Lowe (Lawrence),	Sloan,
Macdonald,	Smith (Mobile),
McMillan (Wilcox),	Smith, Mac. A.,
Malone,	Sollie,
Martin,	Sorrell,
Maxwell,	Spears,
Merrill,	Spragins,
Moody,	Stewart,
Mulkey,	Tayloe,
Murphree,	Walker,
NeSmith,	Watts,
Norman,	Weakley,
Norwood,	White,
Oates,	Whiteside,
O'Neal (Lauderdale),	Willett,
Opp,	Williams (Barbour),
Palmer,	Williams (Marengo),
Parker (Cullman),	Williams (Elmore),
Parker (Elmore),	Wilson (Clarke),
Pettus,	Wilson (Washington),
Pillans,	Winn—106.
Proctor,	

## LEAVE OF ABSENCE.

Was granted to Messrs. Miller of Wilcox for to-day and Monday; Winn for Monday; Burnett and Kirk for to-day; Samford indefinitely; Pitts for to-day; Reynolds of Chilton for today; Weatherly for to-day; Pitts for Monday; Robinson for Monday, Tuesday and Wednesday; Graham of Talladega for to-day; Pillans for Monday; Sentell and Kirkland for Monday; O'Rear for to-day and Monday; Reynolds of Henry for to-day; Parker of Elmore, and Williams of Elmore for Monday;

Smith of Autauga, and Espy for to-day; Browne for Monday, Tuesday and Wednesday.

#### REPORT OF THE COMMITTEE ON THE JOURNAL.

The chairman of the Committee on the Journal submitted the following report:

The Committee on the Journal beg leave to report that they have examined the Journal for the forty-ninth day of the Convention, and that the same is correct.

Respectfully submitted,

JOHN F. PROCTOR, *Chairman.*

Mr. Jones, of Montgomery, moved that all that part of the Journal relating to Mr. Burns' amendment to Section 38 of the report of the Committee on Legislative Department, be stricken out.

Mr. Wilson, of Clarke, demanded the previous question on the adoption of the report of the Committee on the Journal, and the motion of Mr. Jones, of Montgomery, to strike out that part of the Journal above stated.

The Chair proceeded to state the question, and while the Chair was stating the question Mr. Jones, of Montgomery, arose to a question of inquiry.

The Chair declared Mr. Jones, of Montgomery, out of order at that time, as he (the Chair) was attempting to state the question before the Convention.

Thereupon Mr. Jones, of Montgomery, appealed from the ruling of the Chair.

The question was: Shall the ruling of the Chair be sustained?

Mr. Jones, of Montgomery, arose and stated that he desired to withdraw his appeal.

An objection was interposed.

The question being: Shall the Chair be sustained?

And the Chair was sustained.

Mr. Wilson, of Clarke, moved that the report of the Journal be adopted.

The motion prevailed, and the report of the committee was adopted.

## STENOGRAPHIC REPORT.

Mr. Walker moved to strike from the stenographic report all of the proceedings immediately after the motion of Mr. Wilson, of Clarke, for the previous question on the approval of the Journal.

Mr. Eyster moved to table the motion of Mr. Walker.

Mr. Heflin, of Chambers, raised the point of order that the rules must be suspended before a motion to expunge anything from the record could be entertained.

The Chair held that the point of order was well taken.

Mr. Graham, of Montgomery, moved that the rules be suspended in order that the motion of Mr. Walker might be considered.

The motion of Mr. Graham, of Montgomery, was lost, and the rules were not suspended.

## RESOLUTIONS ON FIRST READING.

The following resolutions were introduced, severally read one time at length:

Resolution 257, by Mr. Robinson:

Resolution for final adjournment.

Whereas, The act of the General Assembly of Alabama calling this Convention together in fixing the compensation of the members thereof, contained the following proviso: "That the per diem compensation shall not be allowed or paid to any member of the Convention for a longer time than fifty days."

And whereas, The Democratic party of Alabama, when it nominated its candidates for membership to this Convention, declared in its platform as follows, to-wit: "The Democratic party of the State of Alabama in Convention assembled, endorses the act to provide for the holding of a Constitutional Convention to revise and amend the Constitution of this State, approved December, the 11th, 1900, and favor the carrying out of all of the provisions of said act."

And whereas, the chairman of the Campaign Committee of said party, in an address issued to the voters of this State, urging the election of the candidates of

said party, promised the people as follows, to-wit: "The Campaign Committee of the Democratic party hereby reasserts the pledges made and in the name of every Democratic nominee, State, Congressional, Senatorial and county, unqualifiedly assures the people that every plank of the platform, and every provision of the act calling the Convention, shall be kept and complied with,

"And whereas, the fifty days for which the members of this Convention shall receive pay as provided in said act will expire to-day,

And whereas, the members of this Convention have declared by resolution that they are unwilling to remain longer in session without pay, and

Whereas, the Democratic members of this Convention should not be required to violate the sacred pledges made by them to the people who elected them,

Therefore, be it resolved, That this Convention stand adjourned sine die at 6 o'clock p. m. to-day.

Mr. Robinson moved that the resolution 257, the same being a privileged communication, be put upon its immediate passage.

The motion prevailed, and the resolution was put upon its immediate passage, and the motion for the adoption of the resolution was lost.

Mr. Burns offered the following resolution, which was read at length and referred to the Committee on Rules:

Resolution 258:

Resolved, That the expenses of this Convention exceed the amount actually necessary.

The resolution was referred to the Committee on Rules.

Mr. Dent offered the following resolution, which was read at length:

Resolution 259:

Resolved, That the Committee on Corporations, to which has been referred the ordinance introduced to-day by the delegate from Greene in reference to railroad passes, are hereby instructed to submit a report on said ordinance not later than Tuesday next, the 23d inst.

Mr. Dent moved that the rules be suspended and the resolution put upon its immediate passage.

The yeas and nays were ordered, and the motion to suspend the rules was lost: Yeas, 66; nays, 34.

## YEAS.

Messrs. Ashcraft,  
Banks,  
Barefield,  
Beddow,  
Blackwell,  
Boone,  
Brooks,  
Burns,  
Chapman,  
Cobb,  
Coleman (Greene),  
Dent,  
deGraffenried,  
Duke,  
Eley,  
Ferguson,  
Fitts,  
Fletcher,  
Freeman,  
Glover,  
Graham (Talladega),  
Handley,  
Heflin (Chambers),  
Henderson,  
Hood,  
Jackson,  
Jones (Montgomery),  
Jones (Wilcox),  
Kyle,  
Leigh,  
Locklin,  
Lomax,  
Lowe (Jefferson),

Macdonald,  
McMillan (Baldwin),  
McMillan (Wilcox),  
Malone,  
Martin,  
Maxwell,  
Merrill,  
Moody,  
Murphree,  
Norman,  
Norwood,  
Oates,  
O'Neal (Lauderdale),  
Opp,  
Palmer,  
Parker (Elmore),  
Pettus,  
Pillans,  
Robinson,  
Rogers (Sumter),  
Sanders,  
Sanford,  
Selheimer,  
Smith, Mac. A.,  
Sollic,  
Spears,  
Spragins,  
Tayloe,  
Walker,  
White,  
Whiteside,  
Williams (Barbour),  
Winn—66.

## NAYS.

Messrs. President,	Long (Butler),
Almon,	Long (Walker),
Browne,	Mulkey,
Bulger,	NeSmith,
Cardon,	Parker (Cullman),
Carmichael (Colbert),	Proctor,
Cofer,	Rogers (Lowndes),
Craig,	Searcy,
Cunningham,	Sloan,
Davis (DeKalb),	Smith (Mobile),
Eyster,	Stewart,
Greer (Calhoun),	Studdard,
Harrison,	Weakley,
Hodges,	Williams (Marengo).
Howell,	Williams (Elmore),
Kirkland,	Wilson (Clarke),
Knight,	Wilson (Washington)—34.

Mr. Jones, of Montgomery, moved that the resolution be referred to the Committee on Rules.

The motion was lost, and the resolution was referred to the Committee on Corporations.

Mr. Graham, of Talladega, offered the following resolution, which was read at length, placed upon its immediate passage, and adopted:

Resolution 260:

Resolved, That this Convention remain in session to-day until 1 p. m., and then stand adjourned until 11 a. m. next Monday.

Mr. Jones, of Montgomery, offered the following resolution, which was read at length:

Resolution 261:

Resolved, That the Secretary of this Convention procure a copy of the opinion of the Attorney General as to the right of this Convention to appropriate pay to its members beyond the time fixed in the enabling act, and to have the same printed in the stenographic report.

The rules were suspended and the resolution was adopted.

Mr. Long, of Walker, offered the following resolution, which was read at length and referred to the Committee on Corporations:

Resolution 262:

Whereas, From the action of this Constitutional Convention it appears that any and all persons holding office of honor, trust or profit under the State of Alabama, are in the habit of accepting free passes from railroads, and are unduly influenced and corrupted thereby, and

Whereas, The members of this Convention are holding their office as such member under this State, and may, by reason thereof, be liable to be influenced or corrupted by accepting free passes for themselves, friends or families;

Therefore, be it resolved, That the Secretary of this Convention be and he is hereby ordered immediately upon the passage of this resolution, to call the roll of the delegates of this Convention, and as his name is called each member of this Convention shall rise in his seat and answer the following questions, which shall then and there in open session of this Convention be propounded to him by the Secretary, the answers to which shall be recorded by the Secretary in the Journal of this Convention, the questions to be as follows:

First—Have you a pass or passes now in your possession, or under your control, or at your command? If so, then over what railroad company's road? What is the consideration for which said pass or passes was issued?

Second—Since you were elected to this Constitutional Convention have you accepted a pass for yourself, or friend, or family, or any member thereof; and if so, then state for whom and what was the consideration thereof? Why was such pass issued? What railroad company issued such pass or passes?

Third—Has the issuance or acceptance of said pass or passes influenced you directly or indirectly in any vote you have cast as a member of this Convention, or has it corrupted any of your actions during this Convention, or if not, would it corrupt the action of others, or influence their votes?

Resolved further, That immediately after the reply to the above questions, each delegate as he completes his answer shall hand to the Secretary any and all passes now in his possession, whether trip or annual. Such of said passes as on their face are shown to be issued to employees only shall be returned to the holder, and all others shall be retained by the Secretary and placed among the archives of this Convention, and the Journal shall show from whom the same was obtained, and the substance thereof.

Resolved further, That all delegates who have accepted passes for themselves, family or friends, not as employees, shall surrender to the Secretary of this Convention, who shall pay it into the State Treasury enough of their mileage and per diem as shall be sufficient to cover the passes issued, based on 3 cents per mile.

Resolved further, That as the Secretary interrogates each member under this resolution, he shall swear such member to tell the truth, the whole truth, and nothing but the truth, in answer to such of said questions as he may propound to him, or any other question he may propound to him or any member of this Convention may propound to him touching the acceptance in the past by him, for himself, friends or family, of a free pass.

#### ORDINANCES ON FIRST READING.

The following ordinances were introduced, severally read one time at length, and referred to appropriate committees, as follows:

Ordinance 425, by Mr. Coleman, of Greene:

Concerning the granting of passes to members of the General Assembly and State officers.

The ordinance was referred to the Committee on Corporations.

Ordinance 426, by Mr. deGraffenried:

Amendment to the fourth section of the article heretofore adopted on Banks and Banking.

The ordinance was referred to the Committee on Banks and Banking.

Ordinance 427, by Mr. Freeman:



That no corporation attorney shall be eligible to office as a member of the Legislature.

The ordinance was referred to the Committee on Corporations.

Ordinance 428, by Mr. Merrill:

That no railroad or other transportation company shall grant free passes or sell tickets or sell passes at a discount other than as sold to the public generally, to any member of the Legislature, or to any person holding office under this State.

The ordinance was referred to the Committee on Corporations.

Ordinance 429, by Mr. Lomax:

To repeal Section 5 of the Article on Legislative Department, as reported to and adopted by this Convention.

The ordinance was referred to the Committee on Legislative Department.

#### RECOMMITTAL OF RESOLUTIONS.

Mr. Smith, of Mobile, acting chairman of the Committee on Rules, returned to the Convention the following resolutions, and moved that each of them be referred to the Committee on Engrossment:

Resolution 195, by Mr. Carmichael, of Colbert:

Resolved by the Convention, That the engrossing and enrolling clerk of the Convention be and the same is hereby authorized to employ such assistants as may be necessary to properly discharge the duties of that office. This resolution shall take effect on and after the 24th day of June.

Resolution 199, by Mr. Howell:

Resolved, That whatever clerical assistance may be necessary to be employed by the enrolling and engrossing clerk of this Convention, it be paid for at the rate of 15 cents per hundred words for such assistant clerical work.

The motion of Mr. Smith, of Mobile, prevailed, and the resolution was referred to the Committee on Engrossment.

## REPORT OF STANDING COMMITTEES.

Mr. Wilson, of Clarke, chairman of the Committee on Militia, submitted the following report, which was read at length, laid upon the table, and 300 copies of the same ordered printed:

## ARTICLE —

1. All able-bodied white male inhabitants of this State, between the ages of eighteen years and forty-five years, who are citizens of the United States, or have declared their intention to become such citizens, shall be liable to military duty in the militia of the State; and the General Assembly may provide for the organization from among such citizens of a State naval militia.

2. The General Assembly, in providing for the organization, equipment, and discipline of the militia, shall conform as nearly as practicable to the regulations for the government of the armies of the United States.

3. Each company and regiment shall elect its own company and regimental officers; but if any company or regiment shall neglect to elect such officers within the time prescribed by law, they may be appointed by the Governor.

4. Volunteer organizations of infantry, cavalry, and artillery, may be formed in such manner, and under such restrictions, and with such privileges, as may be provided by law.

5. The militia and vounteer forces shall, in all cases, except treason, felony and breach of the peace, be privileged from arrest during their attendance at musters, parades, and elections, and in going to and returning from the same.

6. The Governor, shall, except as otherwise provided herein, be commander-in-chief of the militia and volunteer forces of the State, except when in the service of the United States, and shall, with the advice and consent of the Senate, appoint all general officers, whose term of office shall be for four years. The Governor, the Generals and regimental and battalion commanders,

shall appoint their own staffs, as may be provided by law.

7. The General Assembly shall provide for the safe keeping of the arms, ammunition and accoutrements, military records, banners and relics of the State.

8. The officers and men of the militia and volunteer forces shall not be entitled to, or receive, any pay, rations, or emoluments, when not in active service.

#### RECONSIDERATION.

Mr. Dent, in the absence of Mr. Samford, who gave the necessary notice on yesterday, moved to reconsider the vote by which Section 35 of the report of the Committee on Legislative Department was adopted.

The motion prevailed.

Mr. Dent offered the following amendment to Section 35, which was read at length, and adopted:

Amend Section 35 by adding at the end of the section the following words: "And special sessions shall be limited to thirty days."

The question recurred upon the adoption of Section 35, as amended, and Section 35 as amended was adopted.

#### UNFINISHED BUSINESS.

The Convention proceeded to the consideration of the unfinished business, which was the report of the Committee on Legislative Department.

The question being upon the adoption of Section 38, as amended, and Section 38, as amended, was adopted.

#### SECTION THIRTY-NINE.

Was read at length as follows:

Sec. 39. Any person who shall directly or indirectly offer, give or promise any money, or thing of value, testimonial, privilege, or personal advantage, to any executive or judicial officer or member of the Legislature to influence him in the performance of any of his public or official duties, shall be guilty of bribery and be pun-

ished in such manner as shall be provided by law.

Mr. Brooks offered the following amendment to Section 39:

No railroad or other transportation company shall grant free passes, or shall at reduced rates, not common to the public, sell tickets for transportation to any person holding any office of honor, trust or profit in this State, and the acceptance of such pass or ticket by a member of the Legislature or any public officer shall work a forfeiture of his office, at the suit of the Attorney General.

Any railroad or other transportation company or officer or agent thereof who shall grant a free pass, or shall, at reduced rates, not common to the public, sell tickets for transportation to any such person, shall be deemed guilty of a misdemeanor and is liable to punishment except as herein provided. No person or officer or agent of a corporation who gives any such free pass, free transportation or sells tickets for transportation at reduced rates hereby prohibited, shall be privileged from testifying in relation thereto, and he shall not be liable to civil or criminal prosecution therefor, if he shall testify to the giving or the selling of the same.

But this shall not prevent the Legislature from authorizing the State to contract with any such railroad or other transportation company for the transportation at reduced rates of State officers, while traveling in the discharge of their official duties.

Mr. Coleman, of Greene, moved to postpone the further consideration of the amendment offered by Mr. Brooks, until the ordinance 425, introduced by Mr. Coleman, of Greene, be reported to the Convention.

The motion prevailed.

On motion of Mr. Oates Section 39 was adopted.

#### SECTION FORTY.

Was read at length as follows and adopted:

Sec. 40. The offence of corrupt solicitation of members of the Legislature or of public officers of this State or of any municipal division thereof, and any occu-

pation or practice of solicitation of such members or officers, to influence their official action, shall be defined by law, and shall be punished by fine and imprisonment in the penitentiary; and the Legislature shall provide for the trial and punishment of the offenses enumerated in the two preceding sections, and shall require the Judges to give the same specially in charge to the Grand Juries in all the counties of this State.

Mr. Oates moved to reconsider the vote by which Section 40 was adopted, and the motion prevailed.

Mr. Oates offered the following amendment to Section 40:

Amend by striking out the word "corrupt" in first line.

On motion of Mr. Coleman, of Greene, the amendment offered by Mr. Oates was laid upon the table.

On motion of Mr. Oates Section 40 was adopted.

#### RECONSIDERATION.

Mr. Burns gave notice that on to-morrow he would move to reconsider the vote by which Section 40 of the report of the Committee on Legislative Department was adopted.

#### SECTION FORTY-ONE.

Was read at length as follows:

Sec. 41. A member of the Legislature who has a personal or private interest in any measure or bill, proposed or pending before the Legislature, shall disclose the fact to the Committee of which he is a member, and shall not vote thereon.

Mr. Burns offered the following amendment to Section 41, which was read at length:

Amend by inserting after the word "Legislature" in the second line, the word: "Or who is the officer, agent or attorney of any corporation, association or person having such interest." And by inserting after the word "committee" in the third line, the words "or house."

On motion of Mr. Oates the amendment offered by Mr. Burns was laid upon the table.

Mr. Cunningham offered the following amendment to Section 41:

Amend after thereon "unless permission is authorized by vote of house."

On motion of Mr. Oates the amendment offered by Mr. Cunningham was laid upon the table.

On motion of Mr. Oates Section 41 was adopted.

Mr. Dent arose to a question of personal privilege, and proceeded to state his question of personal privilege.

#### ADJOURNMENT.

The hour of 1 o'clock p. m. having arrived, under the resolution heretofore adopted, the Convention adjourned until 11 o'clock a. m. Monday.

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### FIFTY-FIRST DAY.

#### CONVENTION HALL.

Montgomery, Ala., Monday, July 23, 1901.

The Convention met pursuant to adjournment.

Prayer was offered by Rev. Mr. Andrews of the city.

#### ROLL CALL.

On a call of the roll of the Convention, the following delegates answered to their names, which constituted a quorum:

Messrs. President,  
Almon,  
Altman,  
Ashcraft,  
Barefield,  
Beddow,  
Bethune,  
Blackwell,

Brooks,  
Bulger,  
Burns,  
Carmichael (Colbert),  
Chapman,  
Cobb,  
Cofer,  
Coleman (Greene),

Craig,  
Davis (DeKalb),  
Davis (Etowah),  
deGraffenried,  
Eyster,  
Espy,  
Ferguson,  
Foshee,  
Foster,  
Freeman,  
Glover,  
Graham (Montgomery),  
Graham (Talladega),  
Handley,  
Harrison,  
Heflin (Chambers),  
Hodges,  
Hood,  
Howell,  
Howze,  
Jenkins,  
Jones (Montgomery),  
Jones (Wilcox),  
Knight,  
Kyle,  
Ledbetter,  
Leigh,  
Locklin,  
Lomax,  
Long (Butler),  
Long (Walker),  
Lowe (Jefferson),  
Macdonald,  
McMillan (Baldwin),  
McMillan (Wilcox),  
Malone,  
Martin,  
Maxwell,

Merrill,  
Moody,  
Mulkey,  
Murphree,  
Norman,  
Oates,  
O'Neal (Lauderdale),  
Opp,  
Palmer,  
Parker (Elmore),  
Pettus,  
Pitts,  
Reynolds (Chilton),  
Rogers (Lowndes),  
Rogers (Sumter),  
Samford,  
Sanders,  
Sanford,  
Sentell,  
Sloan,  
Smith (Mobile),  
Smith, Mac. A.  
Smith, Morgan M.,  
Sollie,  
Spears,  
Spragins,  
Stewart,  
Tayloe,  
Vaughan,  
Walker,  
Watts,  
Weatherly,  
White,  
Williams (Barbour),  
Williams (Marengo),  
Wilson (Clarke),  
Wilson (Washington)—91.

## LEAVE OF ABSENCE

Was granted to Messrs. Henderson, Burnett, Jackson, for to-day; and Cardon indefinitely; Searcy and Kirk for to-day; Studdard indefinitely.

## REPORT OF THE COMMITTEE ON JOURNAL.

The chairman of the Committee on the Journal submitted the following report, which was concurred in:

The Committee on the Journal beg leave to report that they have examined the Journal for the fiftieth day of the Convention, and that the same is correct.

Respectfully submitted,

JOHN F. PROCTOR, *Chairman.*

## STENOGRAPHIC REPORT.

Mr. Brooks called the attention of the Convention to certain errors in the stenographic report of the proceedings of yesterday.

The report was ordered corrected.

## RESOLUTIONS ON FIRST READING.

The following resolutions were introduced, severally read one time at length, and referred to appropriate committees as follows:

Resolution 263, by Mr. Kyle:

Resolved, That after the expiration of the fifty day limit fixed by the Legislature in calling this Convention, no member shall receive per diem, except for such time as the Journal shows him to have been present, and that the Secretary of this Convention is instructed that this provision applies to all officers and employees as well as to members of this Convention.

Mr. Kyle moved that the resolution be referred to the Committee on Rules, with instructions to report not later than Wednesday of the present week.

The motion was lost, and the resolution was referred to the Committee on Rules.



Resolution 264, by Mr. Rogers, of Lowndes:

Resolution to change Rule 36.

Resolved, That ayes and noes shall only be ordered when the call therefor is sustained by forty delegates.

The resolution was referred to the Committee on Rules.

Resolution 265, by Mr. Bulger:

That, whereas this Convention has been in session fifty days;

That, whereas during said time the weather has been oppressively hot, and many confusions and complications have arisen, which were calculated to confuse and entangle, not only the Secretary in making his Journal, but the reading clerk in taking the vote and calculating the same;

That, whereas, during all this confusion and complications, both the Secretary and reading clerk, by their energy, industry and honesty of purpose, have kept not only the Journal, but the official calls and count absolutely correct;

That, whereas, in every test of the Journal, and in every verification of the vote, perfect accuracy has been demonstrated;

Therefore, be it resolved by the people of Alabama, in Convention assembled, that commendation and thanks are hereby tendered to both the Secretary and reading clerk of the Convention for the faithful, energetic and accurate manner in which they have and are discharging the duties of their respective offices.

The resolution was referred to the Committee on Rules.

#### ORDINANCES ON FIRST READING.

The following ordinances were introduced, severally read one time at length, and referred to appropriate committees as follows:

Ordinance 430, by Mr. Reynolds, of Chilton:

Be it ordained by the people in Convention assembled: In case of the insolvency of any incorporated bank, the stockholders therein shall be liable for the full amount

of the stock held by each of them respectively, in addition to the amount originally subscribed for said stock.

The ordinance was referred to the Committee on Banks and Banking.

UNFINISHED BUSINESS.

The Convention proceeded to the consideration of the unfinished business, which was the report of the Committee on Legislative Department.

SECTION FORTY-TWO.

Was read at length as follows, and adopted :

Sec. 42. In all elections by the Legislature, the members shall vote viva voce, and the votes shall be entered on the Journals.

SECTION FORTY-THREE.

Was read at length as follows, and adopted :

Sec. 43. It shall be the duty of the Legislature to pass such laws as may be necessary and proper to decide differences by arbitrators, to be appointed by the parties, who may choose that mode of adjustment.

SECTION FORTY-FOUR.

Was read at length as follows :

Sec. 44. It shall be the duty of the Legislature, at its first session after the ratification of this Constitution, and within every subsequent period of twelve years, to make provision by law for the revision, digesting and promulgation of the public statutes of this State, of a general nature, both civil and criminal.

Mr. Walker offered the following amendment to Section 44 :

It shall be the duty of the Legislature to make provision by law for the revision, digestion and promulgation of the public statutes of the State of a general nature, both civil and criminal, every twelve years.

Mr. Watts offered the following substitute for Section 44 and the amendment of Mr. Walker :

Amend Section 44, Legislative report, by substituting for said section the following, viz.:

It shall be the duty of the Legislature, in 1906, and within every subsequent period of twelve years, to make provision by law for the revision, digestion and promulgation of the public statutes of this State of a general nature, both civil and criminal.

The substitute offered by Mr. Watts was lost.

The question recurred upon the adoption of the amendment offered by Mr. Walker.

The amendment was lost.

On motion of Mr. Oates Section 44 was adopted.

#### SECTION FORTY-FIVE.

Was read at length as follows:

Sec. 45. The Legislature shall pass such penal laws as they may deem expedient, to suppress the evil practice of dueling.

Mr. Murphree offered the following amendment to Section 45:

Add at the end of section the words: And carrying concealed pistols.

On motion of Mr. Carmichael, of Colbert, the amendment was laid upon the table.

On motion of Mr. Oates Section 45 was adopted.

#### SECTION FORTY-SIX.

Was read at length as follows, and adopted:

Sec. 46. It shall be the duty of the Legislature to regulate by law the cases in which deduction shall be made from the salaries of public officers for neglect of duty in their official capacities, and the amount of such deduction.

#### SECTION FORTY-SEVEN.

Was read at length as follows:

Sec. 47. It shall be the duty of the Legislature to require the several counties of this State to make ade-

quate provision for the maintenance of the poor, indigent, idiots and insane persons.

Mr. Samford offered the following amendment to Section 47:

Sec. 47. It shall be the duty of the Legislature to require the several counties of this State to make adequate provision for the maintenance of the poor and indigent idiots.

Mr. O'Neal, of Lauderdale, offered the following amendment to the amendment offered by Mr. Samford:

It shall be the duty of the Legislature to require the several counties of this State to make adequate provision for the maintenance of the poor and indigent idiots. The Legislature shall also make adequate provision for the care and maintenance by the State of insane persons.

The amendment offered by Mr. O'Neal, of Lauderdale, was lost.

Mr. Long, of Walker, offered the following substitute for the amendment offered by Mr. Samford, which was adopted:

Amend Section 47 by striking out all words after the word "poor" in the second line.

Then the question recurred upon the adoption of the amendment of Mr. Samford as amended.

The amendment as amended was adopted.

On motion of Mr. Oates Section 47, as amended, was adopted.

#### SECTION FORTY-EIGHT.

Was read at length as follows, and adopted:

Sec. 48. The Legislature shall not have power to authorize any municipal corporations to pass any laws inconsistent with the general laws of this State.

#### SECTION FORTY-NINE.

Was read at length as follows:

Sec. 49. In the event of annexation of any foreign territory to this State, the Legislature shall enact laws

extending to the inhabitants of the acquired territory all the rights and privileges which may be required by the terms of the acquisition, anything in this Constitution to the contrary notwithstanding.

Mr. Jones, of Wilcox, offered the following amendment to Section 49:

Amend Section 49 by striking out in lines three and four "anything in this Constitution to the contrary notwithstanding," and add "should the State purchase such foreign territory, the Legislature, with the approval of the Governor, shall be authorized to expend any money in the treasury, not otherwise appropriated, and if necessary, to provide also for the issuance of State bonds to pay for the purchase of said foreign territory, anything in this Constitution to the contrary notwithstanding."

Mr. Dent offered the following amendment to the amendment offered by Mr. Jones, of Wilcox:

Strike out of the amendment submitted by the delegate from Wilcox the words "anything in this Constitution to the contrary notwithstanding," and add the following: "Not inconsistent with this Constitution."

The amendment offered by Mr. Dent was adopted.

The question recurred upon the adoption of the amendment of Mr. Jones, of Wilcox, as amended.

The amendment, as amended, was adopted.

On motion of Mr. Oates Section 49, as amended, was adopted.

#### SECTION FIFTY.

Was read at length as follows:

Sec. 50. The Legislature shall not tax the property, real or personal, of the State, counties or other municipal corporations, or cemeteries; nor lots in incorporated cities or towns, or within one mile of any city or town, to the extent of one acre, nor lots one mile or more distant from such cities or towns, to the extent of five acres, with the buildings thereon, when the same are used exclusively for religious worship, for public schools or for purposes purely charitable.

Mr. Watts offered the following amendment to Section 50:

Amend Section 50, Legislative report, by striking out all after "cemeteries" in the second line.

The amendment offered by Mr. Watts was lost.

On motion of Mr. Oates Section 50 was adopted.

#### SECTION FIFTY-ONE.

Was read at length as follows, and adopted:

Sec. 51. The Legislature shall, by law, prescribe such rules and regulations as may be necessary to ascertain the value of personal and real property, exempted from sale under legal process by this Constitution; and to secure the same to the claimant thereof as selected.

#### SECTION FIFTY-TWO.

Was read at length as follows:

Sec. 52. The State may construct and own works of internal improvement, having for their object the conveyance or transportation of passengers and freight, but shall not sell or mortgage such improvement, nor lend its money or credit in aid of such; nor shall the State be interested in any private or corporate enterprise, or lend money or its credit to any individual, association or corporation.

Mr. Handley offered the following substitute for Section 52:

The State of Alabama shall not engage in internal improvements, nor be interested in any private or corporate enterprises, or lends its money or credit to any individual, association or corporation.

#### RECESS.

The hour of 1 o'clock p. m. arrived, the Convention recessed until 3:30 p. m. this afternoon.

## AFTERNOON SESSION.

The Convention met pursuant to adjournment.

## ROLL CALL.

On a call of the roll of the Convention, the following delegates answered to their names, which constituted a quorum :

Messrs. President,	Foster,
Almon,	Freeman,
Altman,	Glover,
Ashcraft,	Handley,
Banks,	Harrison,
Barefield,	Heflin (Chambers),
Beddow,	Heflin (Randolph),
Bethune,	Hodges,
Blackwell,	Hood,
Brooks,	Howell,
Browne,	Howze,
Bulger,	Inge,
Burnett,	Jenkins,
Burns,	Jones (Wilcox),
Byars,	Knight,
Cardon,	Kyle,
Carmichael (Colbert),	Ledbetter,
Cobb,	Leigh,
Cofer,	Locklin,
Coleman (Greene),	Lomax,
Craig,	Long (Butler),
Cunningham,	Long (Walker),
Davis (DeKalb),	Macdonald,
Davis (Etowah),	McMillan (Baldwin),
Dent,	McMillan (Wilcox),
deGraffenried,	Malone,
Duke,	Maxwell,
Eley,	Merrill,
Eyster,	Moody,
Espy,	Mulkey,
Foshee,	Murphree,

Norman,	Smith, Morgan M.,
Norwood,	Sollie,
Oates,	Sorrell,
O'Neal (Lauderdale),	Spears,
Opp,	Spragins,
Palmer,	Stewart,
Parker (Cullman),	Studdard,
Pettus,	Tayloe,
Reynolds (Chilton),	Vaughan,
Rogers (Lowndes),	Waddell,
Rogers (Sumter),	Walker,
Samford,	Watts,
Sanders,	Weatherly,
Sanford,	White,
Sentell,	Williams (Barbour),
Sloan,	Williams (Marengo),
Smith (Mobile),	Wilson (Washington)—98.
Smith, Mac. A.,	

#### RECONSIDERATION.

Mr. Brooks gave notice that on to-morrow he would move to reconsider the vote by which Section 47 of the report of the Committee on Legislative Department was adopted.

COMMITTEE GRANTED LEAVE TO SIT DURING SESSION.

On motion of Mr. Harrison, the chairman of the Committee on Corporations, the Committee on Corporations were granted leave to sit during the afternoon session of to-day.

#### UNFINISHED BUSINESS.

The Convention proceeded to the consideration of the unfinished business, which was the report of the Committee on Legislative Department.

The question was upon the adoption of the substitute offered by Mr. Handley for Section 52.

By unanimous consent Mr. Handley withdrew his substitute and offered in lieu of the same the following substitute:



Sec. 52. The State shall not engage in works of internal improvement nor lend money or its credit in aid of such; nor shall the State be interested in any private or corporate enterprise, or lend money or its credit to any individual, association or corporation.

The substitute was adopted: Yeas, 70; nays, 19.

## YEAS.

Messrs. Almon,  
Altman,  
Banks,  
Barefield,  
Bethune,  
Blackwell,  
Brooks,  
Carmichael (Colbert),  
Chapman,  
Cobb,  
Cofer,  
Coleman (Greene),  
Craig,  
Davis (DeKalb),  
Davis, (Etowah),  
deGraffenried,  
Duke,  
Eley,  
Eyster,  
Espy,  
Foster,  
Glover,  
Graham (Montgomery),  
Handley,  
Harrison,  
Heflin (Chambers),  
Heflin (Randolph),  
Hodges,  
Hood,  
Howell,  
Howze,  
Inge,

Jenkins,  
Jones (Wilcox),  
Ledbetter,  
Locklin,  
Lowe (Jefferson),  
McMillan (Baldwin),  
McMillan (Wilcox),  
Malone,  
Martin,  
Maxwell,  
Merrill,  
Moody,  
Murphree,  
Norman,  
Norwood,  
O'Neal (Lauderdale),  
Opp,  
Palmer,  
Parker (Cullman),  
Pitts,  
Rogers (Lowndes),  
Sanford,  
Sanders,  
Smith (Mobile),  
Smith, Mac. A.  
Smith, Morgan M.,  
Sollie,  
Sorrell,  
Spragins,  
Stewart,  
Tayloe,  
Vaughan,

Waddell,  
Walker,  
Watts,

Weatherly,  
Williams (Barbour),  
Williams (Marengo)—70.

## NAYS.

Messrs. Ashcraft,  
Beddow,  
Dent,  
Foshee,  
Freeman,  
Grant,  
Knight,  
Kyle,  
Macdonald,  
Mulkey,

Oates,  
Pettus,  
Reynolds (Chilton),  
Rogers (Sumter),  
Sanford,  
Sloan,  
Spears,  
White,  
Wilson (Washington)—19.

On motion of Mr. Oates Section 52, as amended, was adopted.

## SECTION FIFTY-THREE.

Was read at length as follows, and adopted :

Sec. 53. The Legislature shall have no power to authorize any county, city, town or other subdivision of this State to lend its credit, or to grant public money or thing of value, in aid of, or to any individual, association or corporation whatsoever, or to become a stockholder in any such corporation, association, or company by issuing bonds or otherwise.

## SECTION FIFTY-FOUR.

Was read at length as follows, and adopted :

Sec. 54. There can be no law of this State impairing the obligation of contracts by destroying or impairing the remedy for their enforcement; and the Legislature shall have no power to revive any right or remedy which may have become barred by lapse of time, or by any statute of this State.

## SECTION FIFTY-FIVE.

Was read at length as follows:

Sec. 55. The Legislature shall not enact any law for one or more counties not applicable to all the counties in the State; increasing the uniform charge for the registration of deeds and conveyances or regulating costs and charges of courts, or fees, commissions or allowances of public officers.

Mr. Oates offered the following amendment to Section 55, which was adopted:

Amend Section 55 by striking out, in line one, after the word "law," the words "for one or more counties," and also by striking out in lines two and three the words "increasing the uniform charge for the registration of deeds and conveyances or."

On motion of Mr. Oates Section 55, as amended, was adopted.

## SECTION FIFTY-SIX.

Was read at length as follows, and adopted:

Sec. 56. The Legislature shall not authorize payment to any person of the salary of a deceased officer beyond the date of his death.

## SECTION FIFTY-SEVEN.

Was read at length as follows and adopted.

Sec. 57. The Legislature shall not retire any officer on pay, or part pay, or make any grant to such retiring officer.

## SECTION FIFTY-EIGHT.

Was read at length as follows:

Sec. 58. Lands belonging to, or under the control of the State shall never be donated directly or indirectly to private corporations or individuals, or railroad companies; nor shall such lands be sold to corporations or associations for a less price than that for which it is

subject to sale to individuals; provided, that nothing contained in this section shall prevent the Legislature from granting a right of way, not exceeding 100 feet in width, as a mere easement, to railroads across State land, and the Legislature shall never dispose of the land covered by said right of way, except subject to said easement.

Mr. Lowe, of Jefferson offered the following amendment to Section 58:

Amend Section 58 of Section 4 by inserting in the sixth line thereof immediately after the word "railroads" the words "or telegraph or telephone lines."

The amendment of Mr. Lowe, of Jefferson, was adopted.

Mr. Samford offered the following amendment to Section 58:

Amend by making "100 feet" read "125 feet."

The amendment of Mr. Samford was adopted.

On motion of Mr. Oates Section 58, as amended, was adopted.

#### SECTION FIFTY-NINE.

Was read at length as follows and adopted.

Sec. 59. No obligation or liability of any person, association or corporation held or owned by this State, or by any county, or other municipality thereof, shall ever be remitted, released, or postponed, or in any way diminished, by the Legislature; nor shall such liability or obligation be extinguished except by payment thereof into the proper treasury; nor shall such liability, or obligation be exchanged or transferred except upon payment of its face value; provided, that this section shall not prevent the Legislature from providing, by general law, for the compromise of doubtful claims.

#### SECTION SIXTY.

Was read at length as follows and adopted.

Sec. 60. The Legislature shall provide, by general laws, for the location or removal of county seats by a vote of the people of the county to be affected.

## RECONSIDERATION.

Mr. Coleman, of Greene, moved that the rules be suspended in order that he might move a reconsideration of the vote by which Section 60 was adopted.

The rules were suspended and the Section (60) was reconsidered.

On motion of Mr. Coleman, of Greene, Section 60 was stricken out.

## SECTION SIXTY-ONE.

Was read at length as follows and adopted :

Sec. 61. No State or county official shall, at any time during his term of office, accept, either directly or indirectly, any fee, money, office, appointment, employment, reward or thing of value, or of personal advantage, or the promise thereof, to lobby for or against any measure pending before the Legislature, or to give or withhold his influence to secure the passage or defeat of any such measure.

## SECTION SIXTY-TWO.

Was read at length as follows :

Sec. 62. The Legislature shall never pass any law to authorize or legalize any marriage of any white person and a negro or descendant of a negro to the third generation inclusive, though one ancestor of each generation be a white person.

Mr. Vaughan offered the following amendment to Section 62:

Amend Section 62 by striking all the words after the word "negro" where it appears a second time in the second line.

Mr. Oates moved to table the amendment offered by Mr. Vaughan.

The motion was lost.

And the amendment of Mr. Vaughan was adopted.

Mr. Long, of Walker, offered the following amendment to Section 62:

Amend Section 62 by adding after the word "negro" in second line the words "Chinese and Indians."

On motion of Mr. Jenkins the amendment of Mr. Long of Walker was laid upon the table.

Mr. Chapman offered the following amendment to Section 62 :

Amend Section 62 by striking out the word "of" at the end of the first line, and insert in lieu thereof the word "between."

The amendment of Mr. Chapman was adopted.

On motion of Mr. Oates Section 62, as amended, was adopted.

#### SECTION SIXTY-THREE.

Was read at length as follows :

Sec. 63. The Legislature shall provide by law for the regulation and reasonable restraint of trusts, monopolies and combinations of capital, so as to prevent them from making, by such artificial means, articles of necessity, trade or commerce scarce or by increasing the cost thereof to the consumer, or by preventing reasonable competition in any calling, trade or business.

Mr. Brooks offered the following ordinance as a substitute for Section 63 :

It shall be the duty of the General Assembly, by appropriate legislation, to prohibit combinations by two or more persons, corporations or associations, to enter into or carry out any contract or agreement by which they shall bind or have bound themselves to fix the price of any article, commodity or transportation between them, or between themselves and others, so as to directly or indirectly preclude a free and unrestricted competition among themselves or any purchaser or consumer in the State, or transportation of any such article or commodity or by which they shall agree to pool, combine, or directly or indirectly unite any interests they may have connected with the sale and transportation of any such article or commodity that its price might in any manner be affected. Every such combination is a trust within the meaning of the Constitution, and is hereby declared to be in derogation of the rights of the

people, unlawful, against public policy and void, and of no effect.

Mr. Eyster offered the following amendment to the substitute offered by Mr. Brooks:

Amend line 2, Section 63, by adding after the word "capital" and before the word "so" the words "or labor."

Mr. Long, of Walker, moved to table the section and pending amendments.

Mr. deGraffenried demanded a division of the question, and the amendment offered by Mr. Eyster for the substitute offered by Mr. Brooks was laid upon the table. Yeas, 81; nays, 2.

## YEAS.

Messrs. Almon,	Heflin (Chambers),
Ashcraft,	Heflin (Randolph),
Banks,	Hodges,
Barefield,	Hood,
Beddow,	Howell,
Bethune,	Howze,
Blackwell,	Inge,
Brooks,	Jones (Wilcox),
Bulger,	Knight,
Burns,	Kyle,
Carmichael (Colbert),	Leigh,
Cobb,	Locklin,
Cofer,	Long (Walker),
Coleman (Greene),	Lowe (Jefferson),
Craig,	Macdonald,
Davis (DeKalb),	McMillan (Baldwin),
Davis (Etowah),	McMillan (Wilcox),
Dent,	Malone,
deGraffenried,	Martin,
Duke,	Maxwell,
Eley,	Merrill,
Espy,	Moody,
Glover,	Mulkey,
Graham (Montgomery),	Murphree,
Handley,	Norwood,
Harrison,	Oates,

O'Neal (Lauderdale),	Sollie,
Opp,	Spears,
Palmer,	Spragins,
Parker (Cullman),	Stewart,
Pettus,	Tayloe,
Pitts,	Vaughan,
Reynolds (Chilton),	Waddell,
Rogers (Lowndes),	Walker,
Rogers (Sumter),	Watts,
Sanford,	Weatherly,
Sanders,	White,
Sloan,	Williams (Barbour),
Smith (Mobile),	Williams (Marengo),
Smith, Mac. A.,	Wilson (Washington)—81.
Smith, Morgan M.	

NAYS.

Messrs. Foshee,                      Jenkins—2.

The question recurred upon the adoption of the substitute offered by Mr. Brooks.

The substitute offered by Mr. Brooks was laid upon the table: Yeas, 51; nays, 37.

YEAS.

Messrs. Almon,	Foshee,
Altman,	Graham (Montgomery),
Ashcraft,	Harrison,
Barefield,	Hood,
Blackwell,	Howze,
Bulger,	Inge,
Carmichael (Colbert),	Jenkins,
Chapman,	Jones (Montgomery),
Coleman (Greene),	Jones (Wilcox),
Dent,	Knight,
deGraffenried,	Long (Walker),
Duke,	Lowe (Jefferson),
Eley,	Martin,
Eyster,	Maxwell,



Mulkey,  
 Murphree,  
 Norman,  
 Oates,  
 O'Neal (Lauderdale),  
 Opp,  
 Palmer,  
 Parker (Cullman),  
 Pitts,  
 Rogers (Sumter),  
 Samford,  
 Sanders,

Smith (Mobile),  
 Tayloe,  
 Vaughan,  
 Waddell,  
 Walker,  
 Watts,  
 Weatherly,  
 Williams (Barbour),  
 Williams (Marengo),  
 Wilson (Clarke),  
 Wilson (Washington)—51.

#### NAYS.

Messrs. Banks,  
 Beddow,  
 Bethune,  
 Brooks,  
 Burns,  
 Cobb,  
 Cofer,  
 Craig,  
 Davis (DeKalb),  
 Davis (Etowah),  
 Espy,  
 Glover,  
 Handley,  
 Heflin (Chambers),  
 Heflin (Randolph),  
 Howell,  
 Kyle,  
 Leigh,  
 Locklin,

Macdonald,  
 McMillan (Baldwin),  
 McMillan (Wilcox),  
 Malone,  
 Merrill,  
 Moody,  
 Norwood,  
 Pettus,  
 Reynolds (Chilton),  
 Rogers (Lowndes),  
 Sloan,  
 Smith, Mac. A.,  
 Smith, Morgan M.,  
 Sollie,  
 Spears,  
 Spragins,  
 Stewart,  
 White—37.

The question then recurred upon the motion to table Section 63.

The motion was lost: Yeas, 7; nays, 79.

YEAS.

Messrs. Brooks,  
Foshee,  
Hood,  
Long ( Walker ),

Mulkey,  
Norman,  
Walker—7.

NAYS.

Messrs. Almon,  
Altman,  
Ashcraft,  
Banks,  
Barefield,  
Beddow,  
Bethune,  
Blackwell,  
Bulger,  
Carmichael ( Colbert ),  
Chapman,  
Cobb,  
Cofer,  
Coleman ( Greene ),  
Craig,  
Davis ( DeKalb ),  
Davis ( Etowah ),  
Dent,  
deGraffenried,  
Duke,  
Eley,  
Eyster,  
Espy,  
Glover,  
Graham ( Montgomery ),  
Handley,  
Harrison,  
Heflin ( Chambers ),  
Heflin ( Randolph ),  
Howell,  
Howze,  
Inge,

Jenkins,  
Jones ( Montgomery ),  
Jones ( Wilcox ),  
Knight,  
Kyle,  
Leigh,  
Lowe ( Jefferson ),  
Macdonald,  
McMillan ( Baldwin ),  
McMillan ( Wilcox ),  
Malone,  
Martin,  
Maxwell,  
Merrill,  
Moody,  
Murphree,  
Norwood,  
Oates,  
O'Neal ( Lauderdale ),  
Opp,  
Palmer,  
Parker ( Cullman ),  
Pettus,  
Pitts,  
Reynolds ( Chilton ),  
Rogers ( Lowndes ),  
Rogers ( Sumter ),  
Sanders,  
Sanders,  
Sloan,  
Smith ( Mobile ),  
Smith, Mac. A.,

Smith, Morgan M.,  
Sollie,  
Spears,  
Spragins,  
Stewart,  
Tayloe,  
Vaughan,  
Waddell,

Watts,  
Weatherly,  
White,  
Williams (Barbour),  
Williams (Marengo),  
Wilson (Clarke),  
Wilson (Washington)—79.

Mr. Coleman, of Greene, offered the following amendment to Section 63:

Amend Section 63 so that it shall read as follows:

The Legislature shall provide by law for the regulation and reasonable restraint of common carriers, partnerships and associations, trusts, monopolies and combinations of capital, so as to prevent them or either of them from making the articles of necessity, trade or commerce, or from increasing unreasonably the cost thereof to the consumer, or preventing reasonable competition in any calling, trade or business.

The amendment of Mr. Coleman, of Greene, was adopted.

Mr. Lowe, of Jefferson, offered the following amendment:

Amend Section 63 of Article IV by inserting before the word "regulation" the words "prohibition or" and striking out the word "and" immediately after the word "regulation" in the first line.

The amendment of Mr. Lowe, of Jefferson, was adopted.

On motion of Mr. Oates Section 63, as amended, was adopted.

#### SUSPENSION OF RULES.

On motion of Mr. Coleman, of Greene, the rules were suspended and the Convention decided to remain in session until the report of the Committee on Legislative Department was disposed of.

## SECTION SIXTY-FOUR.

Was read at length as follows:

Sec. 64. The Senators and Representatives shall, before entering on their official duties, take the following oath, to-wit: "I, \_\_\_\_\_, do solemnly swear (or affirm, as the case may be), that I will support the Constitution of the United States and of the State of Alabama, and particularly observe and obey all the provisions of the latter relating to the Legislative Department, to the best of my ability, so help me God."

Mr. Coleman, of Greene, offered the following amendment to Section 64, which was adopted:

Amend Section 64 of the Legislative Department by inserting after the word "and" in the third line the words "the Constitution," and the further amend said section by striking out all of the fourth line after the word "Alabama," and strike out the word "Legislative Department" in the fifth line.

Mr. Burns offered the following substitute for Section 64 and the amendment:

Strike out all of Section 64, and insert:

That the President of the Senate and Speaker of the House shall receive six (6) dollars per diem and 10 cents mileage.

On motion of Mr. Ashcraft the substitute of Mr. Burns was laid upon the table.

On motion of Mr. Oates Section 64, as amended, was adopted.

Mr. Smith, of Mobile, offered the following amendment to the report of the Committee on Legislative Department:

Amend the article reported by the Committee on Legislation by adding thereto the following, as a separate section:

If at any time it should become impossible or dangerous for the Legislature to meet or remain at the Capitol, or for the Senate to meet or remain in the Senate chamber, or for the Representatives to meet or remain in the hall of the Representatives, the Governor may convene the Legislature or remove it after it has con-

vened, to some other place, or may designate some other place for the sitting of the respective houses or either of them, as necessity may require.

On motion of Mr. Heflin, of Chambers, the amendment offered by Mr. Smith, of Mobile, was adopted.

Mr. Beddow offered the following amendment to the report of the Committee on Legislative Department:

Amend Article on Legislative Department by adding to the end thereof an additional section, viz.:

Sec. 66. All printing and stationery furnished under Section 28 of this article shall bear the union label of the Typographical union, provided that printing establishments having in their employment union labor are the lowest responsible bidder below a maximum price.

On motion of Mr. Oates the amendment of Mr. Beddow was laid upon the table.

#### RECONSIDERATION.

Mr. Smith, of Mobile, gave notice that on to-morrow he would move to reconsider the vote by which Section 59 was adopted.

#### ADJOURNMENT.

The report of the Committee on Legislative Department having been disposed of, the Convention adjourned until 9:30 o'clock to-morrow morning.

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### FIFTY-SECOND DAY.

#### CONVENTION HALL.

Montgomery, Ala., Tuesday, July 23, 1901.

The Convention met pursuant to adjournment.  
Prayer was offered by Rev. Mr. Andrews of the city.

## ROLL CALL.

On a call of the roll of the Convention the following delegates answered to their names, which constituted a quorum :

Messrs. President,  
Almon,  
Altman,  
Ashcraft,  
Banks,  
Barefield,  
Bartlett,  
Beavers,  
Beddow,  
Bethune,  
Blackwell,  
Brooks,  
Browne,  
Bulger,  
Burnett,  
Burns,  
Carmichael (Colbert),  
Chapman,  
Cobb,  
Cofer,  
Coleman (Greene),  
Coleman (Walker),  
Craig,  
Davis (DeKalb),  
Davis (Etowah),  
Dent,  
deGraffenried,  
Duke,  
Eley,  
Eyster,  
Foster,  
Espy,  
Fitts,  
Foshee,  
Foster,

Glover,  
Graham (Montgomery),  
Graham (Talladega),  
Grant,  
Greer (Perry),  
Handley,  
Harrison,  
Heflin (Chambers),  
Heflin (Randolph),  
Hood,  
Howell,  
Howze,  
Inge,  
Jackson,  
Jones (Bibb),  
Jones (Wilcox),  
Kirkland,  
Knight,  
Kyle,  
Locklin,  
Lomax,  
Long (Butler),  
Long (Walker),  
Lowe (Jefferson),  
Macdonald,  
McMillan (Baldwin),  
McMillan (Wilcox),  
Malone,  
Martin,  
Maxwell,  
Merrill,  
Miller (Wilcox),  
Moody,  
Murphree,  
Norman,

Norwood,  
 Oates,  
 O'Neal (Lauderdale),  
 Opp,  
 O'Rear,  
 Palmer,  
 Parker (Cullman),  
 Pettus,  
 Phillips,  
 Pillans,  
 Pitts,  
 Reynolds (Chilton),  
 Reynolds (Henry),  
 Rogers (Lowndes),  
 Rogers (Sumter),  
 Samford,  
 Sanders,  
 Sanford,  
 Searcy,

Sloan,  
 Smith (Mobile),  
 Smith, Mac. A.,  
 Smith, Morgan M.,  
 Sorrell,  
 Spears.  
 Spragins,  
 Stewart,  
 Tayloe,  
 Thompson,  
 Vaughan,  
 Waddell,  
 Walker,  
 Watts,  
 Weatherly,  
 White,  
 Whiteside,  
 Williams (Barbour),  
 Williams (Marengo)—106.

#### LEAVE OF ABSENCE.

Was granted to Messrs. Greer of Calhoun indefinitely; Fletcher for to-day and yesterday; Jones of Montgomery; and Reese for to-day; Thompson of Bibb for yesterday; Kyle for to-morrow.

#### REPORT OF THE COMMITTEE ON THE JOURNAL.

The chairman of the Committee on the Journal submitted the following report, which was concurred in:

The Committee on the Journal beg leave to report that they have examined the Journal for the fifty-first day of the Convention, and that the same is correct.

Respectfully submitted,

JOHN F. PROCTOR, *Chairman.*

Mr. Heflin, of Randolph, offered the following resolution, the rules were suspended, and the resolution was adopted:

## Resolution 266:

Resolved, That Capt. John F. Burns, who is the quartermaster of the State cavalry, and who has served the State faithfully for years without pay, be granted leave of absence for a few days during the encampment that he may perform the duties of his position.

## ORDINANCES ON FIRST READING.

The following ordinances were introduced, severally read one time at length and referred to appropriate committees as follows:

Ordinance 431, by Mr. Lowe, of Jefferson:

An ordinance concerning the qualifications to be required of citizens before they can become electors and voters in the State of Alabama.

The ordinance was referred to the Committee on Suffrage and Elections.

Ordinance 432, by Mr. John W. A. Sanford:

Authorizing the Legislature to construct a canal from the city of Birmingham to the Warrior river.

The ordinance was referred to the Committee on Legislative Department.

Ordinance 433, by Mr. John W. A. Sanford:

To limit the ownership of land in Alabama by corporations to 1,000 acres, unless given permission by the Legislature to hold a greater amount.

The ordinance was referred to the Committee on Corporations.

## STENOGRAPHIC REPORT.

Mr. Pettus called the attention of the Convention to certain errors in the stenographic report of the proceedings of yesterday.

The report was ordered corrected.

## QUESTION OF PERSONAL PRIVILEGE.

Mr. Lomax arose to a question of personal privilege.

## RECONSIDERATION.

Mr. Smith, of Mobile, moved to reconsider the vote by which Section 59 was adopted on yesterday.



The motion prevailed.

Mr. Smith, of Mobile, offered the following amendment to Section 59:

Amend Section 59 of the article reported by the Committee on Legislation by striking therefrom all of the section after the words "by the Legislature," in line three of the section, and preceding the word "provided" in the sixth line, and by striking out the word "doubtful" in the seventh line.

Mr. Jones, of Wilcox, offered the following amendment to the amendment offered by Mr. Smith, of Mobile:

Strike out in the fourth, fifth and sixth lines the words "into the proper treasury; nor shall such liability or obligation be exchanged or transferred except upon the payment of its face value;" and add the word "the" before payment in the fourth line,

Also strike out in the seventh line "for the compromise of doubtful claims," and add "from adjusting, compromising or settling claims on such terms as may be just and reasonable."

Mr. Merrill moved to table the Section 59 and pending amendments, which motion was lost.

By unanimous consent the words "into the proper treasury" in the fourth line of the printed article of Section 59 were stricken out.

The amendment of Mr. Jones, of Wilcox, was lost.

The amendment of Mr. Smith, of Mobile, was lost.

Mr. Oates moved the previous question on the adoption of Section 59, as amended, which motion prevailed, and the section was adopted.

Mr. Ferguson offered the following amendment, to constitute a new section of the article.

Amend the article on Legislative Department by adding the following section, viz.:

Section —. The Legislature may dispense with the necessity of indictment in cases of grand larceny, but Justices of the Peace shall have only preliminary jurisdiction in such cases.

Which was, on motion of Mr. Oates, laid upon the table.

Mr. Whiteside offered the following amendment, to constitute a new section of the article:

Amend Article on Legislative Department by adding Section — as follows:

The Legislature shall have no power to take away any right of action or destroy any defense to any suit after such suit has been commenced.

Which, on motion of Mr. Oates, was laid upon the table.

Mr. Brooks offered the following amendment, to constitute a new section of the article under consideration:

Sec. —. Any person holding office under this State, who shall directly or indirectly ask, demand, accept, receive or consent to receive for his own use or benefit, or for the use or benefit of another, any free pass or transportation, or pass or ticket at a discount other than is sold to the public generally, shall be guilty of a misdemeanor, and upon conviction, shall be fined in a sum not exceeding two hundred and fifty dollars (\$250) and at the discretion of the court trying the same, in addition to such fine, may be imprisoned for a term not exceeding two months, and upon such conviction shall be subject to impeachment and removal from office.

Any railroad or transportation company or officer or agent thereof who shall grant a free pass or shall, at reduced rates not common to the public, sell tickets for transportation to any such person, shall be deemed guilty of a misdemeanor, and is liable to punishment, except as herein provided.

No person or officer or agent of a corporation who gives any such free pass, free transportation or sells tickets for transportation at rates hereby prohibited, shall be privileged from testifying in relation thereto, and he shall not be liable to civil or criminal prosecution therefor if he shall testify to the giving or selling of the same. But this shall not prohibit the Legislature from authorizing the State to contract with any such railroad or transportation company for the transportation at reduced rates of State officers while traveling in the discharge of their official duties.

Any solicitor who shall fail faithfully to prosecute a person charged with the violation in his county or circuit of any provision of this section which may come to his knowledge, shall be removed from office by the Governor, and an opportunity of being heard in his defense.

Which, on motion of Mr. Samford, was laid upon the table, and ordered to be taken up when the report of the Committee on Corporations is considered.

On motion of Mr. Oates the article on Legislative Department was ordered engrossed for a third reading.

#### SPECIAL ORDER.

The Convention proceeded to the consideration of the special order, which was the report of the Committee on Suffrage and Elections.

#### RECESS.

The Convention recessed for ten minutes for the purpose of allowing the Committee on Rules to retire and prepare a resolution relative to the consideration of the report of the Committee on Suffrage and Elections.

The Convention was called to order and the Committee on Rules submitted the following resolution :

#### Resolution 267 :

Resolved, That the article reported by the Committee on Suffrage and Elections be considered and adopted or rejected section by section, and that after every section shall have been so considered and adopted, substitutes for the entire article may be offered, considered and acted upon without any motion to reconsider the prior action of the Convention.

Mr. Smith, of Mobile, moved that the resolution be adopted.

The motion prevailed, and the resolution was adopted.

The Convention proceeded to the consideration of the report of the Committee on Suffrage and Elections.

## ARTICLE —

## SUFFRAGE AND ELECTIONS.

## SECTION ONE.

Was read at length as follows, and adopted:

Section 1. Every male citizen of this State who is a citizen of the United States, twenty-one years old or upwards, not laboring under any of the disabilities named in this article, and possessing the qualifications required by it, shall be an elector, and shall be entitled to vote at any election by the people.

Mr. Beddow offered the following amendment to Section 1:

Amend by adding after the words "United States," in the first line of Section 1, the following words:

"And every male person of foreign birth, who, before the adoption of this Constitution, may have legally declared his intention to become a citizen of the United States."

## RECESS.

The hour of 1 o'clock arrived, and the Convention recessed until 3:30 o'clock this afternoon.

## AFTERNOON SESSION.

The Convention met pursuant to adjournment.

## ROLL CALL.

On a call of the roll of the Convention, the following delegates answered to their names, which constituted a quorum:

Messrs. President,  
Almon,  
Altman,  
Ashcraft,  
Barefield,

Bartlett,  
Beavers,  
Beddow,  
Bethune,  
Blackwell,

Brooks,	Hodges,
Browne,	Hood,
Bulger,	Howell,
Burnett,	Howze,
Burns,	Inge,
Carmichael (Colbert),	Jackson,
Chapman,	Jenkins,
Cobb,	Jones (Bibb),
Cofer,	Jones (Wilcox),
Coleman (Greene),	Kirk,
Coleman (Walker),	Kirkland,
Craig,	Knight,
Cunningham,	Kyle,
Davis (DeKalb),	Ledbetter,
Davis (Etowah),	Leigh,
Dent,	Locklin,
deGraffenried,	Lomax,
Duke,	Long (Butler),
Eley,	Long (Walker),
Eyster,	Lowe (Jefferson),
Espy,	Macdonald,
Ferguson,	McMillan (Baldwin),
Fitts,	McMillan (Wilcox),
Foshee,	Malone,
Foster,	Martin,
Freeman,	Maxwell,
Gilmore,	Merrill,
Glover,	Miller (Wilcox),
Graham (Montgomery),	Moody,
Graham (Talladega),	Morrisette,
Greer (Perry),	Mulkey,
Handley,	Murphree,
Harrison,	NeSmith,
Heflin (Chambers),	Norman,
Heflin (Randolph),	Norwood,
Henderson,	Oates,
Hinson,	O'Neal (Lauderdale),

Opp,	Smith (Mobile),
Palmer,	Smith, Mac. A.
Parker (Cullman),	Smith, Morgan M.,
Parker (Elmore),	Sorrell,
Pettus,	Spears,
Phillips,	Stewart,
Pillans,	Tayloe,
Pitts,	Thompson,
Renfro,	Vaughan,
Reynolds (Chilton),	Waddell,
Reynolds (Henry),	Walker,
Rogers (Lowndes),	Watts,
Rogers (Sumter),	Weatherly,
Samford,	White,
Sanders,	Whiteside,
Sanford,	Williams (Barbour),
Searcy,	Williams (Marengo),
Selheimer,	Wilson (Clarke),
Sentell,	Wilson (Washington),
Sloan,	Winn—124.

## PRIVILEGES OF THE FLOOR.

Mr. Lowe, of Jefferson, moved that the rules be suspended and that the privileges of the floor be extended to Hon. S. J. Bowie.

The motion prevailed.

## UNFINISHED BUSINESS.

The Convention proceeded to the consideration of the unfinished business, which was the report of the Committee on Suffrage and Elections.

The question was upon the adoption of the amendment to Section 1 of the report of the Committee on Suffrage and Elections offered by Mr. Beddow.

Mr. Smith, of Mobile, offered the following amendment to the amendment offered by Mr. Beddow:

Amend Section 1. by adding at the end thereof the following: Provided that all such foreigners who have

declared their intention to become citizens of the United States shall cease to have the right to vote if they shall fail to become citizens of the United States after they are entitled to become such citizens.

And the amendment of Mr. Smith, of Mobile, was adopted: Yeas, 90; nays, 28.

## YEAS.

Messrs. Almon,	Hinson,
Ashcraft,	Hodges,
Barefield,	Hood,
Beavers,	Howell,
Bethune,	Howze,
Blackwell,	Inge,
Brooks,	Jackson,
Burnett,	Jenkins,
Burns,	Jones (Bibb),
Carmichael (Colbert),	Jones (Montgomery),
Chapman,	Jones (Wilcox),
Cobb,	Kirk,
Coleman (Greene),	Kyle,
Coleman (Walker),	Ledbetter,
Cunningham,	Leigh,
Davis (DeKalb),	Locklin,
Davis (Etowah),	Lomax,
Duke,	Macdonald,
Eley,	Malone,
Eyster,	Martin,
Espy,	Maxwell,
Ferguson,	Merrill,
Gilmore,	Miller (Wilcox),
Glover,	Norman,
Graham (Talladega),	Oates,
Grayson,	O'Neal (Lauderdale),
Greer (Perry),	O'Neill (Jefferson),
Handley,	Opp,
Harrison,	Palmer,
Heflin (Chambers),	Parker (Cullman),
Heflin (Randolph),	Parker (Elmore),
Henderson,	Pettus,

Pitts,  
 Proctor,  
 Renfro,  
 Reynolds (Henry),  
 Rogers (Lowndes),  
 Samford,  
 Sanders,  
 Searcy,  
 Selheimer,  
 Sentell,  
 Smith (Mobile),  
 Smith, Mac. A.,  
 Smith, Morgan M.

Sorrell,  
 Spragins,  
 Stewart,  
 Thompson,  
 Waddell,  
 Walker,  
 Watts,  
 Weatherly,  
 Whiteside,  
 Williams (Barbour),  
 Williams (Marengo),  
 Wilson (Clarke),  
 Wilson (Washington)—90.

## NAYS.

Messrs. President,  
 Altman,  
 Banks,  
 Bartlett,  
 Beddow,  
 Bulger,  
 Craig,  
 Dent,  
 deGraffenried,  
 Fitts,  
 Foshee,  
 Freeman,  
 Graham (Montgomery),  
 Knight,

Lowe (Jefferson),  
 McMillan (Baldwin),  
 Moody,  
 Norwood,  
 Phillips,  
 Pillans,  
 Reynolds (Chilton),  
 Rogers (Sumter),  
 Sanford,  
 Sloan,  
 Spears,  
 Tayloe,  
 White,  
 Winn—28.

The question recurred upon the adoption of the amendment of Mr. Beddow as amended by the amendment offered by Mr. Smith, of Mobile.

The amendment was adopted: Yeas, 69; nays, 49.

## YEAS.

Messrs. Almon,  
 Ashcraft,  
 Barefield,

Beddow,  
 Bethune,  
 Blackwell,



Brooks,  
 Burnett,  
 Carmichael (Colbert),  
 Chapman,  
 Cobb,  
 Cofer,  
 Cunningham,  
 Davis (Etowah),  
 Duke,  
 Eley,  
 Espy,  
 Ferguson,  
 Fitts,  
 Gilmore,  
 Glover,  
 Graham (Montgomery),  
 Grayson,  
 Greer (Perry),  
 Handley,  
 Heflin (Chambers),  
 Heflin (Randolph),  
 Hinson,  
 Hodges,  
 Howell,  
 Howze,  
 Jackson,  
 Jenkins,  
 Jones (Bibb),  
 Jones (Montgomery),  
 Kirk,  
 Leigh,  
 Lomax,

Lowe (Jefferson),  
 Macdonald,  
 Malone,  
 Martin,  
 Maxwell,  
 Merrill,  
 Miller (Wilcox),  
 Norman,  
 O'Neal (Lauderdale),  
 O'Neill, (Jefferson),  
 Opp,  
 Parker (Cullman),  
 Pettus,  
 Proctor,  
 Reynolds (Chilton),  
 Reynolds (Henry),  
 Rogers (Lowndes),  
 Sanders,  
 Searcy,  
 Sentell,  
 Smith, Mac. A.  
 Sorrell,  
 Spragins,  
 Stewart,  
 Thompson,  
 Vaughan,  
 Weatherly,  
 White,  
 Whiteside,  
 Williams (Barbour),  
 Williams (Marengo)—69.

#### NAYS.

Messrs. President,  
 Altman,  
 Banks,  
 Bartlett,  
 Bulger,  
 Coleman (Greene),

Coleman (Walker),  
 Craig,  
 Davis (DeKalb),  
 Dent,  
 deGraffenried,  
 Eyster,

Foshee,	Pillans,
Graham (Talladega).	Pitts,
Harrison,	Renfro,
Henderson,	Rogers (Sumter),
Hood,	Samford,
Inge,	Sanford,
Jones (Wilcox),	Selheimer,
Knight,	Sloan,
Kyle,	Smith (Mobile),
Ledbetter,	Smith, Morgan M.,
Locklin,	Spears,
McMillan (Baldwin).	Tayloe,
McMillan (Wilcox),	Waddell,
Moody,	Walker,
Norwood,	Watts,
Oates,	Wilson (Clarke),
Palmer,	Wilson (Washington).
Parker (Elmore),	Winn—49.
Phillips,	

On motion of Mr. Coleman, of Greene, Section 1, as amended, was adopted.

## SECTION TWO.

Was read at length as follows:

Sec. 2. To entitle a citizen to vote at any election by the people, he shall have resided in the State at least two years, in the county one year, and in the precinct or ward three months, immediately preceding the election at which he offers to vote, and he shall have been duly registered as an elector, and shall have paid on or before the first day of February next preceding the date of the election at which he offers to vote, all poll taxes due from him for the year 1901, and for each subsequent year; provided, that any elector who, within three months next preceding the date of the election at which he offers to vote, has removed from one precinct or ward to another precinct or ward in the same county, incorporated town or city, shall have the right to vote in the precinct or ward from which he has so removed, if he would have been entitled to vote in such precinct

or ward but for such removal.

Mr. Lowe, of Jefferson, offered the following amendment to Section 2:

Amend Section 2 by adding after the words "to vote" in the fifth line, the words "and each year subsequent to the last general election next preceding."

On motion of Mr. Coleman, of Greene, the amendment of Mr. Lowe, of Jefferson, was laid upon the table.

Mr. Ashcraft offered the following amendment to Section 2:

Amend by striking out of the first line the words "a citizen" and insert "an elector."

On motion of Mr. Coleman, of Greene, the amendment of Mr. Ashcraft was laid upon the table.

Mr. Howell offered the following amendment to Section 2:

Amend by striking out the word "two" in the second line and inserting in lieu thereof the word "one"; also strike out the words "one year" in the same line and insert the words "six months."

On motion of Mr. Proctor the amendment of Mr. Howell was laid upon the table.

Mr. Pillans offered the following amendment to Section 2:

Amend Section 2 by striking out of the first line thereof the words "a citizen" and insert in lieu thereof "a person."

The amendment of Mr. Pillans was adopted, and Section 2, as amended, was adopted.

### SECTION THREE.

Was read at length as follows, and adopted:

Sec. 3. All elections by the people shall be by ballot, and all elections by persons in a representative capacity shall be *viva voce*.

### SECTION FOUR.

Was read at length as follows:

Sec. 4. The following male citizens of this State, who are citizens of the United States, twenty-one years old

or upward, who, if their place of residence shall remain unchanged, will have, at the date of the next general election, the qualifications as to residence prescribed in Section 2 of this article, and who are not disqualified under Section 6 of this article, shall, upon application, be entitled to register as electors prior to the first day of January, 1903, namely:

First—All who have honorably served in the land or naval forces of the United States in the war of 1812, or in the war with Mexico, or in any war with the Indians, or in the Civil War between the States, or in the war with Spain, or who honorably served in the land or naval forces of the Confederate States, or of the State of Alabama in the war between the States; or

Second—The lawful descendants of persons who honorably served in the land or naval forces of the United States in the war of the American Revolution, or in the war of 1812, or in the war with Mexico, or in any war with the Indians, or in the Civil War between the States, or in the land or naval forces of the Confederate States, or of the State of Alabama in the war between the States; or

Third—All persons of good character and who understand the duties and obligations of citizenship under a republican form of government.

Mr. Coleman, of Greene, offered the following amendment to Section 4:

Amend by adding after the words "United States" in first line of Section 4 the following words:

And every male resident of foreign birth who, before the ratification of this Constitution, may have legally declared his intention to become a citizen of the United States; provided, that all such foreigners who have declared their intention to become citizens of the United States shall cease to have the right to vote if they shall fail to become citizens of the United States after they are entitled to become such citizens.

Mr. Oates offered the following amendment to Section 4:

Amend Section 4 in line three by inserting after the word "election" the following: "After the ratification of this Constitution."

#### ADJOURNMENT.

Pending the further consideration of the report of the Committee on Suffrage and Elections, the hour of 6 o'clock p. m. arrived, and under the rules the Convention adjourned until to-morrow morning at 9:30 o'clock.

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#### FIFTY-THIRD DAY.

#### CONVENTION HALL.

Montgomery, Ala., Wednesday, July 24, 1901.

The Convention met pursuant to adjournment.

Prayer was offered by Rev. Mr. Andrews of the city.

#### ROLL CALL.

On a call of the roll of the Convention, the following delegates answered to their names, which constituted a quorum:

Messrs. President,  
Almon,  
Altman,  
Ashcraft,  
Banks,  
Barefield,  
Bartlett,  
Beavers,  
Beddow,  
Bethune,  
Blackwell,  
Brooks,  
Browne,

Bulger,  
Burnett,  
Byars,  
Carmichael (Colbert),  
Carmichael (Coffee),  
Chapman,  
Cobb,  
Cofer,  
Coleman (Greene),  
Coleman (Walker),  
Cornwell,  
Craig,  
Cunningham,

Davis (DeKalb),  
 Davis (Etowah),  
 Dent,  
 deGraffenried,  
 Duke,  
 Eley,  
 Eyster,  
 Espy,  
 Ferguson,  
 Fitts,  
 Fletcher,  
 Foshec,  
 Foster,  
 Freeman,  
 Gilmore,  
 Graham (Montgomery),  
 Graham (Talladega),  
 Grayson,  
 Greer (Perry),  
 Handley,  
 Harrison,  
 Heflin (Chambers),  
 Heflin (Randolph),  
 Henderson,  
 Hinson,  
 Hodges,  
 Hood,  
 Howell,  
 Howze,  
 Inge,  
 Jackson,  
 Jenkins,  
 Jones (Bibb),  
 Jones (Wilcox),  
 Kirk,  
 Kirkland,  
 Knight,  
 Leigh,  
 Locklin,  
 Long (Butler),  
 Long (Walker),  
 Lowe (Jefferson),

McMillan (Baldwin),  
 McMillan (Wilcox),  
 Malone,  
 Martin,  
 Maxwell,  
 Merrill,  
 Moody,  
 Mulkey,  
 Murphree,  
 Norman,  
 Norwood,  
 Oates,  
 O'Neal (Lauderdale),  
 O'Neill (Jefferson),  
 Opp,  
 Palmer,  
 Parker (Cullman),  
 Parker (Elmore),  
 Pettus,  
 Pillans,  
 Porter,  
 Phillips,  
 Proctor,  
 Pitts,  
 Renfro,  
 Reynolds (Chilton),  
 Reynolds (Henry),  
 Robinson,  
 Rogers (Lowndes),  
 Rogers (Sumter),  
 Samford,  
 Sanders,  
 Sanford,  
 Selheimer,  
 Sentell,  
 Smith (Mobile),  
 Smith, Mac. A.,  
 Smith, Morgan M.,  
 Sollie,  
 Spears,  
 Spragins,  
 Stewart,

Tayloe,  
Thompson,  
Vaughan,  
Waddell,  
Walker,  
Watts,  
Weatherly,

White,  
Whiteside,  
Willett,  
Williams (Barbour),  
Williams (Marengo),  
Williams (Elmore),  
Winn—124.

#### LEAVE OF ABSENCE

Was granted to Messrs. Macdonald for to-day; Jones of Hale indefinitely.

#### REPORT OF THE COMMITTEE ON THE JOURNAL.

The chairman of the Committee on the Journal submitted the following report, which was concurred in:

The Committee on the Journal beg leave to report that they have examined the Journal for the fifty-second day of the Convention, and that the same is correct.

Respectfully submitted,

JOHN F. PROCTOR, *Chairman.*

Mr. Davis, of Etowah, offered the following resolution. The rules were suspended, and the resolution was adopted:

Resolution 268, by Mr. Davis, of Etowah:

Resolved, That 1,000 copies of the speech made on yesterday by the chairman of the Committee on Suffrage and Elections (Judge Coleman) introductory to the consideration of the ordinance reported by said committee, be printed for distribution among the members of the Convention.

Mr. O'Neill, of Jefferson, offered the following resolution, and moved that the rules be suspended to place it on its immediate passage.

The motion was lost, and the resolution was referred to the Committee on Legislative Department:

Resolution 269, by Mr. O'Neill, of Jefferson:

Be it resolved by the people of Alabama in Convention assembled, That the Legislature may provide that the general election immediately preceding the expiration of a term of United States Senator from this State, the

electors may by ballot express their preference for some person for the office of United States Senator. The votes cast for such candidate shall be canvassed and returned in the same manner as for State officers.

The resolution was referred to the Committee on Legislative Department.

#### STENOGRAPHIC REPORT.

Mr. Sanford called the attention of the Convention to a certain error in the stenographic report of the proceedings of yesterday.

The report was ordered corrected.

#### RECONSIDERATION.

Mr. Chapman moved to reconsider the vote by which Sections 1 and 2 of the article on Suffrage and Elections were adopted on yesterday.

On motion of Mr. Coleman, of Greene, the further consideration of the motion to reconsider was postponed until the consideration of Section 6 of the article was reached.

#### UNFINISHED BUSINESS.

The Convention proceeded to the consideration of the unfinished business, which was the report of the Committee on Suffrage and Elections.

Mr. Oates, by unanimous consent, withdrew the amendment offered by him on yesterday to Section 4 of the article.

The amendment offered by Mr. Coleman, of Greene, on yesterday to Section 4 of the article, was adopted.

#### RECONSIDERATION.

Mr. Coleman, of Greene, moved to reconsider the vote by which the amendment to Section 4 of the article, last acted upon, was adopted.

And moved to postpone the further consideration of said motion to reconsider until the consideration of Section 6 of the article should be reached.

Which latter motion prevailed.



Mr. Sanford offered the following amendment to Section 4 of the article:

Amend the first subdivision of the fourth section of the committee's report on Suffrage and Elections by striking out the words "war between the States" in the ninth line of said subdivision; and also to strike out the word "civil" before the words "war between the States" wherever it occurs in the subsequent sections or subdivisions of said report.

Which was adopted.

Mr. Sanford offered the following amendment to Section 4 of the article:

Amend Section 4 by striking out all after the word "electors" in the fifth line.

#### RECESS.

The hour of 1 o'clock arrived, and the Convention recessed until 3:30 this afternoon.

#### AFTERNOON SESSION.

The Convention met pursuant to adjournment.

#### ROLL CALL.

On a call of the roll of the Convention the following delegates answered to their names, which constituted a quorum:

Messrs. President,  
Almon,  
Altman,  
Ashcraft,  
Banks,  
Barefield,  
Beavers,  
Beddow,  
Bethune,  
Blackwell,  
Brooks,

Browne,  
Bulger,  
Burnett,  
Byars,  
Cardon,  
Carmichael (Colbert),  
Carmichael (Coffee),  
Carnathon,  
Case,  
Chapman,  
Cobb,

Cofer,  
 Coleman (Greene),  
 Coleman (Walker),  
 Cornwell,  
 Craig,  
 Cunningham,  
 Davis (DeKalb),  
 Davis, (Etowah),  
 Dent,  
 deGraffenried,  
 Duke,  
 Eley,  
 Eyster,  
 Espy,  
 Ferguson,  
 Fitts,  
 Fletcher,  
 Foshee,  
 Foster,  
 Freeman,  
 Gilmore,  
 Graham (Montgomery),  
 Graham (Talladega),  
 Grant,  
 Grayson,  
 Greer (Calhoun),  
 Greer (Perry),  
 Handley,  
 Harrison,  
 Heflin (Chambers),  
 Heflin (Randolph),  
 Henderson,  
 Hinson,  
 Hodges,  
 Hood,  
 Howell,  
 Howze,  
 Inge,  
 Jackson,  
 Jenkins,  
 Jones (Bibb),

Jones (Wilcox),  
 Kirk,  
 Kirkland,  
 Knight,  
 Ledbetter,  
 Leigh,  
 Locklin,  
 Long (Butler),  
 Long (Walker),  
 Lowe (Jefferson),  
 McMillan (Baldwin),  
 McMillan (Wilcox),  
 Malone,  
 Martin,  
 Maxwell,  
 Merrill,  
 Miller (Marengo),  
 Miller (Wilcox),  
 Moody,  
 Mulkey,  
 Murphree,  
 Norman,  
 Norwood,  
 Oates,  
 O'Neal (Lauderdale),  
 O'Neill (Jefferson),  
 Opp,  
 O'Rear,  
 Palmer,  
 Parker (Cullman),  
 Parker (Elmore),  
 Pearce,  
 Pettus,  
 Phillips,  
 Pillans,  
 Pitts,  
 Proctor,  
 Proctor,  
 Robinson,  
 Rogers (Sumter),  
 Samford,

Sanders,	Tayloe,
Sanford,	Thompson,
Searcy,	Walker,
Selheimer,	Waddell,
Sentell,	Walker,
Sloan,	Watts,
Smith (Mobile),	Weatherly,
Smith, Mac. A.,	White,
Smith, Morgan M.,	Whiteside,
Sollie,	Willett,
Sorrell,	Williams (Barbour),
Spears,	Wilson (Clarke),
Spragins,	Wilson (Washington)
Stewart,	Winn—132.

#### UNFINISHED BUSINESS.

The Convention proceeded to the consideration of the unfinished business, which was the report of the Committee on Suffrage and Elections.

The question being upon the adoption of the amendment of Mr. Sanford to Section 4 of the article.

#### ADJOURNMENT.

The hour of 6 o'clock p. m. arrived, and under the rules the Convention adjourned until 9:30 o'clock tomorrow morning.

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### FIFTY-FOURTH DAY.

#### CONVENTION HALL.

Montgomery, Ala., Thursday, July 25, 1901.

The Convention met pursuant to adjournment.

Prayer was offered by Rev. Mr. Andrews of the city.

## ROLL CALL.

On a call of the roll of the Convention the following delegates answered to their names, which constituted a quorum :

Messrs. President,	Eyster,
Almon,	Espy,
Altman,	Ferguson,
Ashcraft,	Fitts,
Banks,	Fletcher,
Barefield,	Foshee,
Bartlett,	Foster,
Beavers,	Freeman,
Beddow.	Gilmore.
Bethune,	Glover.
Blackwell,	Graham (Montgomery),
Brooks,	Graham (Talladega),
Browne,	Grant,
Bulger,	Grayson,
Burnett,	Greer (Calhoun),
Byars,	Greer (Perry),
Carmichael (Colbert),	Haley,
Carmichael (Coffee),	Handley,
Carnathon,	Harrison,
Chapman,	Heflin (Chambers),
Cobb,	Heflin (Randolph),
Cofer.	Henderson,
Coleman (Greene),	Hinson,
Coleman (Walker),	Hodges,
Cornwell,	Hood,
Craig,	Howell,
Cunningham,	Howze,
Davis (DeKalb),	Inge,
Davis (Etowah),	Jackson,
Dent,	Jenkins,
deGraffenried,	Jones (Bibb),
Duke,	Jones (Wilcox),
Eley,	Kirk.

Kirkland,  
Knight,  
Kyle,  
Ledbetter,  
Leigh,  
Long (Butler),  
Long (Walker),  
Lowe (Jefferson),  
McMillan (Baldwin),  
McMillan (Wilcox),  
Malone,  
Martin,  
Merrill,  
Miller (Wilcox),  
Moody,  
Mulkey,  
Murphree,  
NeSmith,  
Norman,  
Norwood,  
Oates,  
O'Neal (Lauderdale),  
O'Neill (Jefferson),  
Opp,  
O'Rear,  
Parker (Cullman),  
Parker (Elmore),  
Pearce,  
Pettus,  
Phillips,  
Pillans,  
Pitts,  
Porter,  
Proctor,  
Reese,

Reynolds (Chilton),  
Reynolds (Henry),  
Robinson,  
Rogers (Lowndes),  
Rogers (Sumter),  
Samford,  
Sanders,  
Sanford,  
Searcy,  
Selheimer,  
Sentell,  
Sloan,  
Smith (Mobile),  
Smith, Mac. A.  
Smith, Morgan M.,  
Sollie,  
Sorrell,  
Spears,  
Spragins,  
Tayloe,  
Thompson,  
Vaughan,  
Waddell,  
Walker,  
Watts,  
Weatherly,  
White,  
Whiteside,  
Willett,  
Williams (Barbour),  
Williams (Marengo),  
Williams (Elmore),  
Wilson (Clarke),  
Wilson (Washington),  
Winn—136.

## LEAVE OF ABSENCE

Was granted to Messrs. Macdonald and Stewart for to-day; and Mr. Palmer indefinitely; Lomax for Wednesday and to-day.

## REPORT OF COMMITTEE ON JOURNAL.

The chairman of the Committee on the Journal submitted the following report, which was concurred in:

The Committee on the Journal beg leave to report that they have examined the Journal for fifty-third day of the Convention, and that the same is correct.

Respectfully submitted,

JOHN F. PROCTOR, *Chairman.*

## UNFINISHED BUSINESS.

The Convention proceeded to the consideration of the unfinished business, which was the report of the Committee on Suffrage and Elections.

The question being upon the adoption of the amendment offered by Mr. Samford to Section 4 of the article on Suffrage and Elections.

## RECESS.

The hour of 1 o'clock arrived, and under the rules the Convention recessed until 3:30 this afternoon.

## AFTERNOON SESSION.

The Convention met pursuant to adjournment.

## ROLL CALL.

On a call of the roll of the Convention, the following delegates answered to their names, which constituted a quorum:

Messrs. President,  
Almon,  
Altman,  
Ashcraft,  
Banks,  
Barefield,  
Bartlett,  
Beavers,  
Beddow,  
Bethune,  
Blackwell,  
Brooks,  
Browne,  
Bulger,  
Burnett,  
Burns,  
Byars,  
Carmichael (Colbert),  
Carmichael (Coffee),  
Carnathon,  
Chapman,  
Cobb,  
Cofer,  
Coleman (Greene),  
Coleman (Walker),  
Cornwell,  
Craig,  
Cunningham,  
Davis (DeKalb),  
Davis (Etowah),  
Dent,  
deGraffenried,  
Duke,  
Eley,  
Eyster,  
Espy,  
Ferguscn,  
Fitts,  
Fletcher,  
Foshee,  
Foster,

Freeman,  
Gilmore,  
Glover,  
Graham (Montgomery),  
Graham (Talladega),  
Grant,  
Grayson,  
Greer (Calhoun),  
Greer (Perry),  
Handley,  
Harrison,  
Heflin (Chambers),  
Heflin (Randolph),  
Henderson,  
Hinson,  
Hodges,  
Hood,  
Howell,  
Howze,  
Inge,  
Jackson,  
Jenkins,  
Jones (Bibb),  
Jones (Montgomery),  
Jones (Wilcox),  
Kirk,  
Kirkland,  
Knight,  
Kyle,  
Ledbetter,  
Leigh,  
Long (Butler),  
Long (Walker),  
Lowe (Jefferson),  
McMillan (Baldwin),  
McMillan (Wilcox),  
Malone,  
Martin,  
Maxwell,  
Merrill,  
Miller (Marengo),

Miller (Wilcox),	Sanders,
Moody,	Sanford,
Mulkey,	Searcy,
Murphree,	Selheimer,
NeSmith,	Sentell,
Norman,	Sloan,
Oates,	Smith (Mobile),
O'Neal (Lauderdale),	Smith, Mac. A.,
O'Neill, (Jefferson),	Smith, Morgan M.,
Opp,	Sollie,
O'Rear,	Sorrell,
Palmer,	Spears,
Parker (Cullman),	Spragins,
Parker (Elmore),	Tayloe,
Pearce,	Thompson,
Pettus,	Vaughan,
Phillips,	Waddell,
Pillans,	Walker,
Pitts,	Watts,
Porter,	Weakley,
Proctor,	Weatherly,
Reese,	White,
Reynolds (Chilton),	Whiteside,
Reynolds (Henry),	Willett,
Robinson,	Williams (Barbour),
Rogers (Lowndes),	Williams (Marengo)
Rogers (Sumter),	Wilson (Clarke),
Samford,	Winn—138.

## UNFINISHED BUSINESS.

The Convention proceeded to the consideration of the unfinished business, which was the report of the Committee on Suffrage and Elections.

The question being upon the adoption of the amendment offered by Mr. Samford to Section 4 of the article on Suffrage and Elections.

## ADJOURNMENT.

The hour of 6 o'clock p. m. arrived, and under the rules the Convention adjourned until 9:30 o'clock tomorrow morning.



## FIFTY-FIFTH DAY:

## CONVENTION HALL.

Montgomery, Ala., Friday, July 26, 1901.

The Convention met pursuant to adjournment.

Prayer was offered by Rev. Mr. Andrews of the city.

## ROLL CALL.

On a call of the roll of the Convention the following delegates answered the their names, which constituted a quorum:

Messrs. President,	Craig,
Altman,	Cunningham,
Ashcraft,	Davis (DeKalb),
Banks,	Davis (Etowah),
Barefield,	Dent,
Bartlett,	deGraffenried,
Beddow,	Eley,
Bethune,	Eyster,
Blackwell,	Espy,
Brooks,	Ferguson,
Browne,	Fitts,
Bulger,	Fletcher,
Burnett,	Foshee,
Byars,	Foster,
Carmichael (Coffee),	Freeman,
Carnathon,	Gilmore,
Chapman,	Glover,
Cobb,	Graham (Talladega),
Cofer,	Grayson,
Coleman (Greene),	Greer (Calhoun),
Coleman (Walker),	Greer (Perry),
Cornwell,	Haley,

Handley,  
Harrison,  
Heflin (Chambers),  
Heflin (Randolph),  
Henderson,  
Hinson,  
Hodges,  
Hood,  
Howell,  
Howze,  
Inge,  
Jackson,  
Jones (Bibb),  
Jones (Hale),  
Jones (Wilcox),  
Kirk,  
Kirkland,  
Knight,  
Kyle,  
Leigh,  
Locklin,  
Lomax,  
Long (Butler),  
Lowe (Jefferson),  
Lowe (Lawrence),  
Macdonald,  
McMillan (Baldwin),  
McMillan (Wilcox),  
Malone,  
Martin,  
Maxwell,  
Merrill,  
Miller (Wilcox),  
Moody,  
Mulkey,  
Murphree,  
NeSmith,  
Norman,  
Norwood,  
Oates,  
O'Neal (Lauderdale),

O'Neill (Jefferson),  
Opp,  
O'Rear,  
Parker (Cullman),  
Pearce,  
Pettus,  
Fillans,  
Pitts,  
Porter,  
Proctor,  
Reese,  
Reynolds (Chilton),  
Reynolds (Henry),  
Robinson,  
Rogers (Lowndes),  
Rogers (Sumter),  
Samford,  
Sanders,  
Sanford,  
Searcy,  
Selheimer,  
Sentell,  
Sloan,  
Smith (Mobile),  
Smith, Mac. A.,  
Smith, Morgan M.  
Sollie,  
Sorrell,  
Spears,  
Spragins,  
Stewart,  
Thompson,  
Vaughan,  
Waddell,  
Walker,  
Watts,  
Weakley,  
Weatherly,  
White,  
Whiteside,  
Willett,

Williams (Barbour),	Wilson (Clarke),
Williams (Marengo),	Wilson (Washington).
Williams (Elmore),	Winn—132.

## LEAVE OF ABSENCE

Was granted to Messrs. Jenkins, Graham of Montgomery, Carmichael of Colbert, for to-day; and Kirkland and Mulkey for to-morrow; Davis of DeKalb, and Craig for Saturday and Monday; Eyster, McMillan of Wilcox, Burnett, Graham of Talladega, Banks, Inge, Sloan, Kyle for Saturday and Monday; Fitts for to-morrow; and Cobb for to-morrow; Carmichael of Coffee, Malone and Henderson for to-morrow; Thompson for to-morrow and Monday; and Freeman indefinitely.

## REPORT OF COMMITTEE ON THE JOURNAL.

The chairman of the Committee on the Journal submitted the following report, which was concurred in:

The Committee on the Journal beg leave to report that they have examined the Journal for the fifty-fourth day of the Convention, and that the same is correct.

Respectfully submitted,

JOHN F. PROCTOR, *Chairman*.

## REPORT OF STANDING COMMITTEES.

Mr. Harrison, chairman of the Committee on Corporations, submitted the following report, together with a minority report, which were read at length, laid upon the table, and 300 copies ordered printed:

*Mr. President:*

The Committee on Corporations, to which was referred Article XIV of the Constitution of 1875, except that part under the heading of "Banks and Banking" and various ordinances, resolutions and petitions, have had the same under consideration, and after due consideration of the said articles, ordinances, resolutions and petitions (all of which are herewith returned) instruct me to report the ordinance hereto attached. The following indicates the changes made:

Section 1 has been so amended as to deprive the Legislature of the right of creating corporations and to provide laws general in their character for the formation of such corporations as may be necessary or desired. Also to require the Legislature to pass laws by which charters obtained under the general laws may be altered or amended.

Section 2 is amended so as to allow corporations which have not completed their organization twelve months within which to do so.

Section 3 is practically unchanged from the old Constitution, except in verbiage in order to meet the views of some members of the committee and of the Convention.

Section 4 is changed to require foreign corporations to file their articles of incorporation and the law under which they are incorporated, with the Secretary of State in order that any citizen of the State of Alabama in making investigations as to the character and standing of such corporations may do so by applying to the Secretary of State; and also to require foreign corporations to pay the same franchise tax as is required of domestic corporations. It provides further that strictly benevolent and religious corporations shall not pay such a franchise tax.

Section 5 is changed so as to make clear the rights of corporations. In the Constitution as it now is the word charter is used. In the new section the words "declaration or application" are substituted in its place. In other words it is intended that the corporation shall only have those rights which are set out in its declaration or application.

Section 6 is unchanged.

Section 7 of the old Constitution is so amended as to add after the word "compensation" in the third line the following: "To be ascertained as may be provided by law"; and also by adding after the word "otherwise" in the ninth line, the following: "But such appeal shall not deprive the person who has obtained a judgment or condemnation from a right of entry, provided he shall have

given bond with good and sufficient sureties to pay such damages as the property owners may sustain."

Sections 8 and 9 are unchanged.

Section 10 is changed so as to simplify the section as it is now set out in the present Constitution, and also to make it conform to the amendment to Section 1.

Section 11 is amended by adding "telephones."

Sections 12 and 13 are unchanged.

Section 14 is old Section 21 renumbered and is unchanged.

Section 15 is practically the same is Section 22 of the present Constitution, but it is enlarged in order to be more comprehensive and effective in its purposes and intentions.

Section 16 corresponds to old Section 23 in the present Constitution, and is so amended as to prescribe a penalty for its violation, and defining the persons to whom free transportation shall not be granted.

Section 17 is a new section, and is inserted for the purpose of preventing railroads and others engaged in the common carriage of freight and passengers from giving rebates.

Section 18 is substituted in lieu of Section 24 of the Constitution of 1875, and is enlarged so as to include all public utilities; in other words, to prevent anyone using the streets of the city for any purpose without the consent of the local authorities.

Section 19 is old Section 25 renumbered and is unchanged.

[Signed]

GEO. P. HARRISON, *Chairman*.

#### MINORITY REPORT.

*Mr. President:*

We, the undersigned members of the Committee on Corporations, feel impelled from a sense of duty to offer a minority report to the majority report of the Committee on Corporations, for the following reasons:

Under the present law, building and loan associations are authorized to collect a much greater rate of inter-

est than is granted to individuals or any other corporation.

We think this is a special privilege, which is wrong in principle, and should be prohibited.

We, therefore, offer the following as an additional section, to be known as Section 13½, and recommend its adoption:

Sec. 13½. After the ratification of the Constitution, no corporation, society, organization or association shall be allowed to charge or collect for, or upon the loan or forbearance of money, goods or things in action, either in the way of interest, fines, forfeitures, premiums, commissions or sums of money for the purchase of stock, bonds, or any interest in the business of such corporations, society, organization or association, as a condition upon which such loan or forbearance is obtained or in any other way connected with such loan or forbearance as a charge, a greater amount than the legal rate of interest provided for by the general laws of the State upon the loan or forbearance of money, goods or things in action; and all such sums of money paid such corporation, society, organization or association in excess of the legal interest provided for by the law, by whatever name called, shall be credited on the principal of the loan made by said corporation, society, organization or association, and every such loan made in Alabama shall be governed by the laws of this State.

Respectfully submitted,

JOHN F. PROCTOR,  
W. T. L. COFER,  
J. LEE LONG.

An ordinance to provide for the organization and regulation of corporations in the State of Alabama.

Be it ordained by the people of Alabama, in Convention assembled, that Article XIV of the Constitution of 1875, except that portion thereof under the head of "Banks and Banking," be stricken out and the following be inserted in lieu thereof:

Sec. 1. The Legislature shall pass no special act conferring corporate powers, but they shall pass general

laws under which corporations may be organized and corporate powers of every nature obtained, subject, nevertheless, to repeal at the will of the Legislature; and shall pass general laws under which charters heretofore granted may be altered or amended. The Legislature shall, by general law, provide for the payment to the State of Alabama of a franchise tax by corporations organized under the laws of this State, which shall be in proportion to the amount of capital stock.

Sec. 2. All existing charters or grants of special or exclusive privileges, under which a bona fide organization shall not have taken place and business commenced in good faith, within twelve months from the time of the ratification of this Constitution, shall thereafter have no validity.

Sec. 3. The Legislature shall not remit the forfeiture of the charter of any corporation now existing, nor alter or amend the same, nor pass any general or special law for the benefit of such corporation, other than in execution of a trust created by law or by contract, except upon the condition that such corporation shall thereafter hold its charter subject to the provisions of this Constitution; and every amendment of any charter of any corporation in this State, or any special law for its benefit, accepted thereby, shall operate as a novation of said charter, and shall bring the same under the provisions of this Constitution; provided, that this section shall not extend to any amendment for the purpose of allowing any existing road to take stock in or aid in building of any branch road.

Sec. 4. No foreign corporation shall do any business in this State without having at least one known place of business, and an authorized agent or agents therein, and without filing with the Secretary of State a certified copy of its articles of incorporation or association, and of the law and authority under which it is incorporated. Such corporation may be sued in any county where it does business, by service of process upon an agent anywhere in the State. The Legislature shall, by general law, provide for the payment to the State of Alabama of a franchise tax by such corporation, which shall be

the same as that required of domestic corporations, and in proportion to the amount of its capital stock, but strictly benevolent or religious corporations shall not be required to pay such a tax.

Sec. 5. No corporation shall engage in any business other than that expressly specified in its declaration or application.

6. No corporation shall issue stock or bonds except for money, labor done, or money or property actually received; and all fictitious increase of stock or indebtedness shall be void. The stock and bonded indebtedness of corporations shall not be increased, except in pursuance of general laws, nor without the consent of the persons holding the larger amount in value of stock, first obtained at a meeting to be held after thirty days notice given in pursuance of law.

Sec. 7. Municipal and other corporations and individuals invested with the privilege of taking private property for public use, shall make just compensation, to be ascertained as may be provided by law, for the property taken, injured or destroyed by the construction or enlargement of its works, highways or improvements, which compensation shall be paid before such taking, injury or destruction. The Legislature is hereby prohibited from depriving any person of an appeal from any preliminary assessment of damages against any such corporations or individuals made by viewers or otherwise, but such appeal shall not deprive the person who has obtained the judgment or condemnation from a right of entry; provided, he shall have given bond with good and sufficient sureties to pay such damages as the property owner may sustain; and the amount of such damages in all cases of appeal shall, on the demand of either party, be determined by a jury, according to law.

8. Dues from private corporations shall be secured by such means as may be prescribed by law, but in no case shall any stockholder be individually liable otherwise than for the unpaid stock owned by him or her.

9. No corporation shall issue preferred stock without the consent of the owners of two-thirds of the stock of said corporation.



Sec. 10. The Legislature shall have the power to revoke any charter of incorporation now existing and revocable at the ratification of this Constitution, or any that may be hereafter created, whenever in their opinion, it may be injurious to the citizens of this State; in such manner, however, that no injustice shall be done to the stockholders.

Sec. 11. Any association or corporation organized for the purpose, or any individual, shall have the right to construct and maintain lines of telegraph and telephone within this State, and connect the same with other lines; and the Legislature shall, by general law of uniform operation, provide reasonable regulations to give full effect to this section. No telegraph or telephone company shall consolidate with or hold a controlling interest in the stock or bonds of any other telegraph or telephone company owning a competing line, or acquire, by purchase, or otherwise, any other competing line of telegraph or telephone.

12. All corporations shall have the right to sue, and shall be subject to be sued, in all courts in like cases as natural persons.

13. The term corporation, as used in this article, shall be construed to include all joint stock companies, or any associations having any of the powers or privileges of corporations not possessed by individuals or partnerships.

#### RAILROADS AND CANALS.

14 All railroads and canals shall be public highways, and all railroad and canal companies shall be common carriers. Any association or corporation organized for the purpose shall have the right to construct and operate a railroad between any points in this State, and connect at the State line, with railroads of other States. Every railroad company shall have the right with its road to intersect, connect with, or cross any other railroad, and shall receive and transport, each, the others freight, passengers and cars, loaded or empty, without delay or discrimination.

Sec. 15. The power and authority of regulating railroad freights and passenger tariffs, the location and building of passenger and freight depots, correcting abuses and preventing unjust discriminations and extortion, and requiring reasonable and just rates of freight and passenger tariffs, are hereby conferred upon the Legislature, whose duty it shall be to pass laws from time to time regulating freight and passenger tariffs to prohibit unjust discriminations on the various railroads, canals and rivers of this State, and prohibit charging other than just and reasonable rates, and enforce the same by adequate penalties.

Sec. 16. No railroad or other transportation company or corporation shall grant free passes or sell tickets or passes at a discount other than as sold to the public generally, to any member of the Legislature, or to any officer exercising judicial functions under the laws of this State, and any such member or officer receiving such pass or ticket, for himself, or procuring the same for another, shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding \$500, and at the discretion of the court trying the case in addition to such fine may be imprisoned for a term not exceeding six months; and upon conviction shall be subject to impeachment, and removal from office.

The courts having jurisdiction shall give this law specially in charge to the Grand Juries, and when the evidence is sufficient to authorize an indictment the Grand Jury must present a true bill.

Any county into or through which such member or officer is transported by the use of such prohibited pass or ticket, shall have jurisdiction of the case; provided, only one prosecution shall be had for the same offense; and provided further, that the trial and judgment for an offense shall not bar a prosecution for another offense when the same pass or ticket is used; and provided further that nothing herein shall prevent a member of the Legislature who is a bona fide employee of a railroad or other transportation company or corporation at the time of his election, from accepting or procuring for himself or another, not a member of the Legislature, or

officer exercising judicial functions, a free pass over the railroads and other transportation company or corporation by which he is employed.

Sec. 17. No railroad company shall give or pay any rebate or bonus in the nature thereof, directly or indirectly, or do any act to mislead or deceive the public as to the real rates charged or received for freights or passage; and any such payments shall be illegal and void, and these prohibitions shall be enforced by suitable penalties.

Sec. 18. Rights, privileges and easements for public utilities over, along, and under the streets of incorporated cities and towns shall not be granted, except by the proper legal authorities of such incorporated cities and towns.

Sec. 19. No railroad, canal or other transportation company in existence at the time of the ratification of this Constitution, shall have the benefit of any future legislation, by general or special laws, other than in execution of a trust created by law or by contract, except on the condition of complete acceptance of all provisions of this article.

Mr. Oates, chairman of the Committee on Legislative Department, submitted the following report, which was read one time, and laid upon the table, and 300 copies ordered printed:

*Mr. President:*

Your Committee on Legislative Department, to whom was referred resolution No. 194, to require the next Legislature to reduce the tax on fertilizers to 10 cents per ton, and to provide for support of the Agricultural Schools out of the general fund of the State, having carefully considered the same, instruct me to report with the recommendation that the same be adopted by the Convention.

Respectfully submitted,

WM. C. OATES, *Chairman.*

Resolution 194. by Mr. Morrisette:

Resolved, by the people of Alabama in Convention assembled, That the next General Assembly of Alabama

shall reduce the tax on fertilizer to 10 cents per ton.

Resolved further, That the General Assembly, at the same time shall provide for the support of the various Agricultural Schools in this State out of the general fund of the State.

The resolution was referred to the Committee on Legislative Department.

Mr. Oates also made the following report:

*Mr. President:*

The Committee on Legislative Department, to whom were referred ordinances 405, 411, 420, 422, 432, and resolutions 223 and 269, have carefully considered the same, and instruct me to report back said ordinances and resolutions with the recommendation that the same do not pass, said ordinances and resolutions are herewith respectfully returned.

Respectfully submitted,

WM. C. OATES, *Chairman.*

Mr. Oates moved that the ordinances and resolutions above referred to be laid upon the table, without being printed, to be called up at the pleasure of the author of any of the same.

The motion prevailed.

Mr. Oates also returned to the Convention the ordinance 407, to authorize the General Assembly to amend the Constitution of the State.

And moved that the same be referred to the Committee on Amending the Constitution and Miscellaneous provisions.

The motion prevailed.

#### UNFINISHED BUSINESS.

The Convention proceeded to the consideration of the unfinished business, which was the report of the Committee on Suffrage and Elections.

The question being upon the adoption of the amendment offered by Mr. Samford to Section 4 of the article on Suffrage and Elections.

Mr. Knox addressed the Convention at length.

Mr. Reese offered the following resolution, the rules were suspended and the same was adopted:

**Resolution 270:**

Resolved, That 5,000 copies of the remarks of Hon. John B. Knox be printed in pamphlet form.

Mr. Fitts moved a suspension of the rules in order that he might move that a vote should not be taken on the pending question until 12 o'clock m. Monday.

Mr. deGraffenried moved to table the motion of Mr. Fitts.

The motion of Mr. deGraffenried was lost.

**RECESS.**

Pending the further consideration of the motion of Mr. Fitts, the hour of 1 o'clock p. m. arrived, the Convention recessed until 3:30 this afternoon.

**AFTERNOON SESSION.**

The Convention met pursuant to adjournment.

**ROLL CALL.**

On a call of the roll of the Convention the following delegates answered to their names, which constituted a quorum:

Messrs. President,	Carnathon,
Altman,	Chapman,
Ashcraft,	Cobb,
Banks,	Cofer,
Barefield,	Coleman (Greene),
Bartlett,	Coleman (Walker),
Beddow,	Cornwell,
Bethune,	Craig,
Blackwell,	Cunningham,
Brooks,	Davis (DeKalb),
Browne,	Davis (Etowah),
Bulger,	Dent,
Burnett,	deGraffenried,
Byars,	Eley,
Carmichael (Coffee),	Eyster,

Espy,  
 Ferguson,  
 Fitts,  
 Fletcher,  
 Foshee,  
 Foster,  
 Freeman,  
 Gilmore,  
 Glover,  
 Graham (Talladega),  
 Grant,  
 Grayson,  
 Greer (Calhoun),  
 Greer (Perry),  
 Haley,  
 Handley,  
 Harrison,  
 Heflin (Chambers),  
 Heflin (Randolph),  
 Henderson,  
 Hinson,  
 Hodges,  
 Hood,  
 Howell,  
 Howze,  
 Inge,  
 Jackson,  
 Jenkins,  
 Jones (Bibb),  
 Jones (Hale),  
 Jones (Wilcox),  
 Kirk,  
 Kirkland,  
 Knight,  
 Kyle,  
 Leebetter,  
 Leigh,  
 Locklin,  
 Lomax,  
 Long (Butler),

Lowe (Jefferson),  
 Lowe (Lawrence),  
 Macdonald,  
 McMillan (Baldwin),  
 McMillan (Wilcox),  
 Malone,  
 Martin,  
 Maxwell,  
 Merrill,  
 Miller (Wilcox),  
 Moody,  
 Mulkey,  
 Murphree,  
 NeSmith,  
 Norman,  
 Norwood,  
 Oates,  
 O'Neal (Lauderdale),  
 O'Neill, (Jefferson),  
 Opp,  
 O'Rear,  
 Parker (Cullman),  
 Parker (Elmore),  
 Pearce,  
 Pettus,  
 Pillans,  
 Pitts,  
 Porter,  
 Proctor,  
 Renfro,  
 Reynolds (Chilton),  
 Reynolds (Henry),  
 Robinson,  
 Rogers (Lowndes),  
 Rogers (Sumter),  
 Samford,  
 Sanders,  
 Sanford,  
 Searcy,  
 Selheimer,

Sentell,  
Sloan,  
Smith (Mobile),  
Smith, Mac. A.  
Smith, Morgan M.,  
Sollie,  
Sorrell,  
Spears,  
Spragins,  
Stewart,  
Tayloe,  
Thompson,  
Vaughan,  
Waddell,

Walker,  
Watts,  
Weakley,  
Weatherly,  
White,  
Whiteside,  
Willett,  
Williams (Barbour),  
Williams (Marengo),  
Williams (Elmore),  
Wilson (Clarke),  
Wilson (Washington).  
Winn—137.

#### UNFINISHED BUSINESS.

The Convention proceeded to the consideration of the unfinished business, which was the report of the Committee on Suffrage and Elections.

Mr. Proctor moved that a vote be taken on the pending question not later than 5 o'clock this afternoon.

Mr. Lowe, of Jefferson, moved to amend the motion of Mr. Proctor by inserting 12:30 o'clock on Monday, in lieu of the words 5 o'clock this afternoon.

Mr. Cobb offered the following substitute for the amendment of Mr. Lowe, of Jefferson:

Substitute the words 12:30 o'clock on Tuesday for the words 12:30 on Monday.

By unanimous consent Mr. Lowe was allowed to accept the substitute of Mr. Cobb.

Mr. Graham, of Talladega, moved to table the amendment offered by Mr. Lowe, of Jefferson, and the motion was lost.

The question recurred upon the adoption of the amendment offered by Mr. Lowe, of Jefferson.

The amendment was adopted.

Mr. Graham, of Talladega, offered the following amendment:

Amend so that the entire article on Suffrage and Elections shall be concluded at 12 o'clock Tuesday.

On motion of Mr. deGraffenried the amendment of Mr. Graham, of Talladega, was laid upon the table.

The question then recurred upon the adoption of the motion of Mr. Proctor as amended by the motion of Mr. Lowe.

The motion as amended was adopted.

#### ADJOURNMENT.

The hour of 6 o'clock p. m. arrived, and under the rules the Convention adjourned until 9:30 o'clock tomorrow morning.

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### FIFTY-SIXTH DAY.

#### CONVENTION HALL.

Montgomery, Ala., Saturday, July 27, 1901.

The Convention met pursuant to adjournment.

Prayer was offered by Rev. Mr. Shores of Prattville.

Messrs. President,  
Altman,  
Ashcraft,  
Banks,  
Barefield,  
Bartlett,  
Beddow,  
Bethune,  
Blackwell,  
Brooks,  
Browne,  
Byars,  
Chapman,  
Cofer,  
Coleman (Greene),  
Cunningham,  
Davis (Etowah),

Dent,  
deGraffenried,  
Duke,  
Eley,  
Fletcher,  
Gilmore,  
Glover,  
Grant,  
Greer (Calhoun),  
Greer (Perry),  
Haley,  
Handley,  
Heflin (Randolph),  
Hood,  
Howell,  
Howze,  
Inge,



Jackson,	Rogers (Lowndes),
Jones (Bibb),	Rogers (Sumter),
Jones (Hale),	Samford,
Jones (Montgomery),	Sanders,
Jones (Wilcox),	Sanford,
Knight,	Selheimer,
Ledbetter,	Smith (Mobile),
Macdonald,	Smith, Mac. A.,
Martin,	Smith, Morgan M.,
Merrill,	Sollie,
Miller (Wilcox),	Spears,
Moody,	Stewart,
Murphree,	Tayloe,
Norman,	Walker,
Norwood,	Watts,
Opp,	Weakley,
O'Rear,	White,
Pearce,	Whiteside,
Phillips,	Williams (Barbour),
Pillans,	Williams (Marengo),
Porter,	Williams (Elmore),
Proctor,	Winn—80.
Robinson,	

## LEAVES OF ABSENCE.

Was granted to Messrs. Jenkins, Parker of Elmore, Spragins, Harrison, for to-day and Monday; Oates, Carnation, Maxwell, Reese, Renfro, Heflin of Chambers, for to-day; Reynolds of Henry for to-day and Monday; J. D. Norman for Monday, Tuesday and Wednesday; Carmichael of Colbert, for to-day.

## REPORT OF COMMITTEE ON THE JOURNAL.

The chairman of the Committee on the Journal submitted the following report, which was concurred in:

The Committee on the Journal beg leave to report that they have examined the Journal for the fifty-fifth day of the Convention, and that the same is correct.

Respectfully submitted,

JOHN F. PROCTOR, *Chairman.*

## RESOLUTIONS ON FIRST READING.

The following resolutions were introduced, severally read one time at length and referred to appropriate committees as follows:

Resolution 270, by Mr. Williams, of Marengo:

Resolved, That 3,000 copies of the speech of Mr. Smith, of Mobile, be printed for distribution.

The resolution was referred to the Committee on Schedule, Printing and Incidental Expenses.

Resolution 271, by Mr. Beddow:

Whereas, This Convention has ordered printed, at the expense of the State, the speeches of the gentlemen from Greene and Calhoun; and

Whereas, Both of said speeches were made by delegates favoring the majority report of the Committee on Suffrage and Elections; and

Whereas, The people should be allowed to read and study both sides of this all important question;

Therefore, be it resolved, That 5,000 copies each of the speeches of the gentlemen from Montgomery, Oates and Jones; and the gentleman from Jefferson, Mr. White, be ordered printed in pamphlet form for distribution.

Mr. Beddow moved a suspension of the rules for the purpose of putting the resolution 271 on its immediate passage.

The motion to suspend the rules was lost, and the resolution was referred to the Committee on Schedule, Printing and Incidental Expenses.

Mr. Barefield offered the following resolution.

The rules were suspended and the resolution was adopted:

Resolution 272:

Resolved, That when this Convention adjourns at 1 o'clock it adjourns until 11 a. m. Monday.

## REPORT OF STANDING COMMITTEES.

Mr. Heflin of Randolph, chairman of the Committee on Schedule, Printing and Incidental Expenses, sub-

mitted the following report, which was laid upon the table and 300 copies ordered printed:

*Mr. President:*

The Committee on Schedule, Printing and Incidental Expenses have instructed me to make the following partial report, viz.:

The committee has audited the accounts hereto attached, and find that the State of Alabama is indebted to the Brown Printing Company of Montgomery, Ala., in the sum of \$8.75.

We find that said State is indebted to William H. Carrigan of Montgomery, Ala., in the sum of \$3.00.

We find that said State is indebted to Robert Hasson, door keeper, in the sum of \$6.23.

We find that said State is indebted to Ed. C. Fowler Company of Montgomery, Ala., in the sum of \$20.

We find that said State is indebted to J. W. Terry of Montgomery, Ala., in the sum of \$5.00 for rent of typewriter up to July 24.

We find that said State is indebted to Ed. C. Fowler Company of Montgomery, Ala., in the sum of \$5.46.

All of the above amounts are for printing done, for articles furnished State of Alabama, for use of Constitutional Convention, and all of the above amounts are itemized as shown by the bills hereto attached. Total amount, \$108.38, and we recommend the payment of the same. All of which is respectfully submitted.

JOHN T. HEFLIN,

Chairman of Committee on Schedule, Printing and Incidental Expenses.

Mr. Samford, chairman of the Committee on Engrossment, submitted the following report, and asked that the same go over until Monday, to be taken up and considered then in its regular order:

*Mr. President:*

The Committee on Engrossment have examined and compared the following articles, to-wit: Legislative Department, and find it correctly enrolled.

Respectfully submitted,

WM. H. SAMFORD, *Chairman.*

The report went over until Monday.

## UNFINISHED BUSINESS.

The Convention proceeded to the consideration of the unfinished business, which was the report of the Committee on Suffrage and Elections.

The question being upon the adoption of the amendment offered by Mr. Samford to Section 4 of the article on Suffrage and Elections.

On motion of Mr. Sanders the rules were suspended, and 5,000 copies of the speech of Dr. R. M. Cunningham were ordered printed.

## ADJOURNMENT.

Pending the further consideration of the report of the Committee on Suffrage and Elections, under the resolution heretofore adopted, the Convention adjourned until 11 o'clock on Monday.

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FIFTY-SECOND DAY.

## CONVENTION HALL.

Montgomery, Ala., Monday, July 29, 1901.

The Convention met pursuant to adjournment.  
Prayer was offered by Rev. Mr. Marshall of the city.

## ROLL CALL.

On a call of the roll of the Convention the following delegates answered to their names, which constituted a quorum :

Messrs. President,  
Almon,  
Altman,  
Ashcraft,  
Banks,  
Barefield,

Bartlett,  
Beavers,  
Beddow,  
Blackwell,  
Boone,  
Brooks,

Browne,	Jones (Wilcox),
Bulger,	Kirk,
Byars,	Knight,
Carmichael (Colbert),	Kyle,
Carmichael (Coffee),	Ledbetter,
Carnathon,	Lomax,
Chapman,	Long (Butler),
Cobb,	Long (Walker),
Cornwell,	Macdonald,
Craig,	McMillan (Wilcox),
Cunningham,	Malone,
Davis, (Etowah),	Martin,
Dent,	Maxwell,
deGraffenried,	Merrill,
Duke,	Miller (Wilcox),
Espy,	Moody,
Ferguson,	Murphree,
Fletcher,	NeSmith,
Foshee,	Norwood,
Freeman,	Oates,
Gilmore,	O'Neal (Lauderdale),
Glover,	Opp,
Graham (Montgomery),	O'Rear,
Grant,	Parker (Cullman),
Grayson,	Parker (Elmore),
Greer (Calhoun),	Pettus,
Greer (Perry),	Phillips,
Haley,	Pillans,
Handley,	Porter,
Heflin (Chambers),	Proctor,
Heflin (Randolph),	Reynolds (Chilton),
Hodges,	Robinson,
Hood,	Rogers (Lowndes),
Howell,	Rogers (Sumter),
Howze,	Samford,
Inge,	Sanford,
Jackson,	Sentell,
Jenkins,	Smith (Mobile),
Jones (Bibb),	Smith, Mac. A.
Jones (Hale),	Smith, Morgan M.,
Jones (Montgomery),	Sollie,

Spears,  
Stewart,  
Vaughan,  
Walker,  
Watts,  
Weakley,  
Weatherly,

Williams (Barbour),  
Williams (Marengo).  
Williams (Elmore),  
Wilson (Clarke),  
Wilson (Washington),  
Winn—107.

#### LEAVE OF ABSENCE.

Was granted to Messrs. White, Jones of Montgomery, Ferguson, Waddell and Ely for to-day; Pitts, Tayloe, Reese, Hodges for to-day; Harrison for to-day.

#### PRIVILEGES OF THE FLOOR.

Mr. Long, of Walker, moved that the privileges of the floor be extended to Hon. F. L. Blackman of Anniston, and the motion prevailed.

#### REPORT OF COMMITTEE ON JOURNAL.

The chairman of the Committee on the Journal submitted the following report, which was concurred in:

The Committee on the Journal beg leave to report that they have examined the Journal for the fifty-sixth day of the Convention, and that the same is correct.

Respectfully submitted,

JOHN F. PROCTOR, *Chairman.*

#### RESOLUTIONS ON FIRST READING.

The following resolutions were introduced, severally read one time at length, and referred to appropriate committees, as follows:

Resolution 273, by Mr. Gilmore:

Resolved, That 5,000 copies each of the speeches of Gen. William C. Oates, Gen. George B. Harrison, Hon. Frank S. White, Hon. S. H. Dent, and Gov. Thomas G. Jones be printed in pamphlet form for distribution among the citizens of the State.

The resolution was referred to the Committee on Schedule, Printing and Incidental Expenses.

Resolution 274, by Mr. Sentell:

Whereas, There are many members of this Convention who desire to give some expression of their views upon the question now under consideration, and

Whereas, They will not be permitted to do so under the present rule of long speeches; therefore be it

Resolved, That on to-morrow, Tuesday, up until 12 o'clock, the hour of voting, all speeches be limited to 5 minutes in length.

The resolution was referred to the Committee on Rules.

#### ORDINANCES ON FIRST READING.

The following ordinance was introduced, read one time at length, and referred to appropriate committee, as follows:

Ordinance 434, by Mr. Williams, of Marengo:

Relating to the voting of commercial drummers, ministers of the gospel, school teachers and railroad employes, and other good men whose business causes them to be transients.

The ordinance was referred to the Committee on Suffrage and Elections.

#### UNFINISHED BUSINESS.

The Convention proceeded to the consideration of the unfinished business, which was the report of the Committee on Suffrage and Elections.

The question was upon the adoption of the amendment of Mr. Samford to Section 4 of the article on Suffrage and Elections.

#### RECESS.

The hour of 1 o'clock p. m. arrived, and under the rules, the Convention recessed until 3:30 this afternoon.

## AFTERNOON SESSION.

The Convention met pursuant to adjournment.

## ROLL CALL.

On a call of the roll of the Convention the following delegates answered to their names, which constituted a quorum :

Messrs. President,	Handley,
Altman,	Heflin (Chambers),
Ashcraft,	Heflin (Randolph),
Banks,	Henderson,
Barefield,	Hood,
Bartlett,	Howell,
Beavers,	Howze,
Beddow,	Inge,
Blackwell,	Jenkins,
Boone,	Jones (Wilcox),
Brooks,	Kirk.
Browne,	Kirkland,
Bulger,	Knight,
Byars,	Ledbetter,
Carmichael (Colbert),	Lomax,
Carmichael (Coffee),	Long (Butler),
Chapman,	Long (Walker),
Cobb,	Macdonald,
Cunningham,	Malone,
Davis (Etowah),	Martin,
Dent,	Maxwell,
deGraffenried,	Merrill,
Fletcher,	Miller (Wilcox),
Foshee,	Moody,
Freeman,	Murphree,
Gilmore,	Norwood,
Glover,	Oates,
Graham (Montgomery),	O'Neal (Lauderdale),
Grant,	O'Neill (Jefferson),
Grayson,	Opp,
Greer (Calhoun),	Pearce,



Pettus,  
Phillips,  
Pillans,  
Pitts,  
Porter,  
Proctor,  
Reynolds (Chilton),  
Robinson,  
Rogers (Lowndes),  
Rogers (Sumter),  
Samford,  
Sanford,  
Sentell,  
Smith (Mobile),  
Smith, Mac. A.,

Smith, Morgan M.  
Sollie,  
Spears,  
Stewart,  
Vaughan,  
Walker,  
Watts,  
Weakley,  
Weatherly,  
Williams (Barbour),  
Williams (Marengo),  
Wilson (Clarke),  
Wilson (Washington),  
Winn—91.

#### UNFINISHED BUSINESS.

The Convention proceeded to the consideration of the unfinished business, which was the report of the Committee on Suffrage and Elections.

The question was upon the adoption of the amendment offered by Mr. Samford to Section 4 of the article on Suffrage and Elections.

Mr. Beddow offered the following resolution, which was referred to the Committee on Rules:

Resolution 275:

Resolved, That 5,000 copies of the speech delivered by Mr. Sollie be ordered printed for distribution.

#### ADJOURNMENT.

The hour of 6 o'clock arrived, and under the rules the Convention adjourned until 9:30 o'clock to-morrow morning.

## FIFTY-EIGHTH DAY.

## CONVENTION HALL.

Montgomery, Ala., Tuesday, July 30, 1901.

The Convention met pursuant to adjournment.

Prayer was offered by Rev. Mr. Marshall of the city.

## ROLL CALL.

On a call of the roll of the Convention the following delegates answered to their names, which constituted a quorum :

Messrs. President,	Cunningham,
Altman,	Davis (Etowah),
Ashcraft,	Dent,
Barefield,	deGraffenried,
Bartlett,	Duke,
Beavers,	Eley,
Beddow,	Eyster,
Bethune,	Ferguson,
Blackwell,	Fitts,
Boone,	Fletcher,
Brooks,	Foshee,
Browne,	Foster,
Bulger,	Gilmore,
Burnett,	Glover,
Byars,	Graham (Montgomery),
Cardon,	Grant,
Carmichael (Colbert),	Grayson,
Carmichael (Coffee),	Greer (Calhoun),
Carnathon,	Greer (Perry),
Chapman,	Haley,
Cobb,	Handley,
Cofer,	Harrison,
Coleman (Greene),	Heflin (Chambers),
Coleman (Walker),	Heflin (Randolph),
Cornwell,	Henderson,
Craig,	Hinson,

Hodges,  
Hood,  
Howell,  
Howze,  
Inge,  
Jackson,  
Jenkins,  
Jones (Hale),  
Jones (Montgomery),  
Jones (Wilcox),  
Kirk,  
Kirkland,  
Knight,  
Leigh,  
Lomax,  
Long (Butler),  
Long (Walker),  
Lowe (Jefferson),  
Macdonald,  
McMillan (Baldwin),  
McMillan (Wilcox),  
Malone,  
Martin,  
Maxwell,  
Merrill,  
Miller (Marengo),  
Miller (Wilcox),  
Moody,  
Mulkey,  
Murphree,  
NeSmith,  
Norman,  
Norwood,  
Oates,  
O'Neal (Lauderdale),  
O'Neill (Jefferson),  
Opp,  
O'Rear,  
Parker (Cullman),  
Pearce,  
Pettus,

Phillips,  
Pillans,  
Pitts,  
Porter,  
Proctor,  
Reese,  
Reynolds (Henry),  
Robinson,  
Rogers (Lowndes),  
Rogers (Sumter),  
Samford,  
Sanders,  
Sanford,  
Searcy,  
Sentell,  
Sloan,  
Smith (Mobile),  
Smith, Mac. A.,  
Smith, Morgan M.,  
Sollie,  
Sorrell,  
Snears,  
Stewart,  
Studdard,  
Tayloe,  
Thompson,  
Vaughan,  
Waddell,  
Walker,  
Watts,  
Weakley,  
Weatherly,  
White,  
Whiteside,  
Willett,  
Williams (Barbour),  
Williams (Marengo),  
Williams (Elmore),  
Wilson (Clarke),  
Wilson (Washington),  
Winn—134.

## LEAVE OF ABSENCE

Was granted to Mr. Stewart for this afternoon, Wednesday and Thursday.

## REPORT OF COMMITTEE ON THE JOURNAL.

The chairman of the Committee on the Journal submitted the following report, which was concurred in:

The Committee on the Journal beg leave to report that they have examined the Journal for the fifty-seventh day of the Convention, and that the same is correct.

Respectfully submitted,

JOHN F. PROCTOR, *Chairman.*

## STENOGRAPHIC REPORT.

Messrs. Porter and Rogers of Lowndes called the attention of the Convention to certain errors in the stenographic report of the proceedings of yesterday.

The report was ordered corrected.

## QUESTION OF PERSONAL PRIVILEGE.

Mr. Reese arose to a question of personal privilege and proceeded to state his question of personal privilege.

On motion of Mr. Heflin, of Chambers, the privileges of the floor were extended to Senator R. L. Kipp.

## REPORT OF COMMITTEE ON RULES.

Mr. Smith, of Mobile, acting chairman of the Committee on Rules, reported favorably the following resolution:

Resolution 276:

Resolved, That hereafter the sessions of this Convention shall be as follows: Meet daily at 9 a. m., adjourn at 1:30 p. m.; meet at 3:30 p. m. and adjourn at 7 p. m.

Mr. Howze moved to amend the resolution by inserting the word 1 o'clock p. m. instead of 1:30 p. m.

The amendment was adopted.

Mr. Sollie moved to amend the resolution by inserting the words 3 o'clock p. m. instead of the words 3:30 p. m.

On motion of Mr. Rogers of Sumter the amendment of Mr. Sollie was laid upon the table.

On motion of Mr. Smith, of Mobile, the resolution, as amended, was adopted.

#### UNFINISHED BUSINESS.

The Convention proceeded to the consideration of the unfinished business, which was the report of the Committee on Suffrage and Elections.

The question was upon the adoption of the amendment offered by Mr. Samford to Section 4 of the article on Suffrage and Elections.

By unanimous consent Mr. Samford withdrew his amendment.

Mr. Coleman, of Greene, moved that the rules be suspended, for the purpose of extending the time to take the vote until 1 o'clock p. m., and limiting the debate to 10 minutes.

The motion was lost.

The question was upon the adoption of the minority report to subdivision 2 of Section 4.

The minority report reads as follows:

We recommend that the aforesaid subdivision 2 of Section 4 be stricken out.

Respectfully submitted,

FRANK S. WHITE,  
S. H. DENT,  
GEO. P. HARRISON,  
WM. C. OATES.

Mr. Robinson moved to table the minority report, and the motion prevailed: Yeas, 109; nays, 23.

YEAS.

Messrs. President,	Henderson,
Altman,	Hinson,
Ashcraft,	Hodges,
Barefield,	Hood,
Beavers,	Howze,
Bethune,	Inge,
Blackwell,	Jackson,
Boone,	Jones (Bibb),
Brooks,	Jones (Hale),
Bulger,	Jones (Wilcox),
Burnett,	Kirk,
Cardon,	Knight,
Carmichael (Colbert),	Ledbetter,
Carmichael (Coffee),	Leigh,
Carnathon,	Lomax,
Chapman,	Long (Butler),
Cobb,	Long (Walker),
Coleman (Greene),	Macdonald,
Coleman (Walker),	McMillan (Wilcox),
Cornwell,	Malone,
Cunningham,	Martin,
Davis (Etowah),	Maxwell,
deGraffenried,	Merrill,
Duke,	Miller (Wilcox),
Eyster,	Moody,
Fitts,	NeSmith,
Fletcher,	Norman,
Foster,	Norwood,
Gilmore,	O'Neal (Lauderdale),
Glover,	Opp,
Graham (Montgomery),	O'Rear,
Grant,	Parker (Cullman),
Grayson,	Parker (Elmore),
Greer (Calhoun),	Pearce,
Greer (Perry),	Pettus,
Haley,	Pillans,
Handley,	Pitts,
Heflin (Chambers),	Proctor,
Heflin (Randolph),	Reese,

Reynolds (Henry),  
 Robinson,  
 Rogers (Lowndes),  
 Rogers (Sumter),  
 Samford,  
 Sanders,  
 Sanford,  
 Searcy,  
 Selheimer,  
 Sentell,  
 Smith, Mac. A.,  
 Smith, Morgan M.,  
 Sollie,  
 Spragins,  
 Stewart,

Tayloe,  
 Thompson,  
 Vaughan,  
 Walker,  
 Watts,  
 Weakley,  
 Weatherly,  
 Whiteside,  
 Willett,  
 Williams (Barbour),  
 Williams (Marengo),  
 Williams (Elmore),  
 Wilson (Clarke),  
 Wilson (Washington),  
 Winn—109.

#### NAYS.

Messrs. Bartlett,  
 Beddow,  
 Cofer,  
 Dent,  
 Eley,  
 Ferguson,  
 Foshee,  
 Harrison,  
 Jones (Montgomery),  
 Kirkland,  
 Kyle,  
 Lowe (Jefferson),

Mulkey,  
 Murphree,  
 Oates,  
 O'Neill (Jefferson),  
 Porter,  
 Reynolds (Chilton),  
 Sloan,  
 Smith (Mobile),  
 Spears,  
 Waddell,  
 White—23.

#### PAIRS ANNOUNCED.

The following pairs were announced:

Messrs. Locklin, Banks, Browne, Graham of Talladega; Burns, Byars, Craig, Freeman, McMillan of Baldwin; Howell, Jenkins, Renfroe, Davis of DeKalb; Phillips. Messrs. Locklin, Browne, Burns, Craig, McMillan of Baldwin, Jenkins, Davis of DeKalb, would vote aye; and Messrs. Banks, Graham of Talladega, Byars, Freeman, Howell, Renfroe and Phillips would vote nay.

Mr. Oates offered the following amendment to Section 4, subdivision 1:

Amend Section 4, first subdivision, after the word "States" in line ten, strike out the semicolon, insert therefor a comma, and add the words "and did not desert from such service."

#### RECESS.

The hour of 1 o'clock p. m. arrived, and under the rules the Convention recessed until 3:30 this afternoon.

#### AFTERNOON SESSION.

The Convention met pursuant to adjournment.

#### ROLL CALL.

On a call of the roll of the Convention the following delegates answered to their names, which constituted a quorum:

Messrs. President,	Chapman,
Altman,	Cobb,
Ashcraft,	Cofer,
Banks,	Coleman (Greene),
Barefield,	Coleman (Walker),
Bartlett,	Cornwell,
Beddow,	Craig,
Bethune,	Cunningham,
Blackwell,	Davis (DeKalb),
Boone,	Davis (Etowah),
Brooks,	Dent,
Browne,	deGraffenried,
Bulger,	Duke,
Burnett,	Eley,
Byars,	Eyster,
Carmichael (Colbert),	Ferguson,
Carmichael (Coffee),	Fitts,
Carnathon,	Fletcher,
Case,	Foshee,



Foster,	Martin,
Gilmore,	Maxwell,
Glover,	Merrill,
Graham (Montgomery),	Miller (Marengo),
Grant,	Miller (Wilcox),
Grayson,	Moody,
Greer (Calhoun),	Morriquette,
Greer (Perry),	Mulkey,
Haley,	Murphree,
Handley,	Norman,
Harrison,	Norwood,
Heflin (Chambers),	Oates,
Heflin (Randolph),	O'Neal (Lauderdale),
Henderson,	O'Neill (Jefferson),
Hinson,	Opp,
Hodges,	O'Rear,
Hood,	Parker (Cullman),
Howell,	Parker (Elmore),
Howze,	Pearce,
Inge,	Pettus,
Jackson,	Phillips,
Jenkins,	Pillans,
Jones (Bibb),	Pitts,
Jones (Hale),	Porter,
Jones (Montgomery),	Proctor,
Jones (Wilcox),	Reese,
Kirk,	Renfro,
Kirkland,	Reynolds (Chilton),
Knight,	Robinson,
Kyle,	Rogers (Lowndes),
Ledbetter,	Rogers (Sumter),
Leigh,	Samford,
Locklin,	Sanders,
Lomax,	Sanford,
Long (Butler),	Searcy,
Long (Walker),	Selheimer,
Lowe (Jefferson),	Sloan,
Macdonald,	Smith (Mobile),
McMillan (Baldwin),	Smith, Mac. A.,
McMillan (Wilcox),	Smith, Morgan M.,
Malone,	Sollie,

Sorrell,  
Spears,  
Spragins,  
Studdard,  
Tayloe,  
Thompson,  
Vaughan,  
Waddell,  
Walker,  
Watts,  
Weakley,

Weatherly,  
White,  
Whiteside,  
Willett,  
Williams (Barbour),  
Williams (Marengo),  
Williams (Elmore),  
Wilson (Clarke),  
Wilson (Washington),  
Winn—141.

## UNFINISHED BUSINESS.

The Convention proceeded to the consideration of the unfinished business, which was the report of the Committee on Suffrage and Elections.

The question was upon the adoption of the amendment offered by Mr. Oates to Section 4, subdivision 1 of the article reported by the Committee on Suffrage and Elections.

On motion of Mr. O'Neal, of Lauderdale, the amendment offered by Mr. Oates was laid upon the table.

Mr. Robinson offered the following amendment to Section 4:

Amend Section 4 by inserting after the word "upwards," in the second line, the following words, "and those who will become 21 years of age before the first day of January, 1905."

Mr. Coleman, of Greene, moved to table the amendment offered by Mr. Robinson:

And the motion to table prevailed: Yeas, 64; nays, 53.

## YEAS.

Messrs. President,  
Altman,  
Ashcraft,  
Banks,  
Barefield,  
Bethune,

Blackwell,  
Boone,  
Bulger,  
Byars,  
Carmichael (Colbert),  
Carnathon,

Chapman,  
 Cofer,  
 Coleman (Greene),  
 Coleman (Walker),  
 Cunningham,  
 deGraffenried,  
 Eyster,  
 Ferguson,  
 Fitts,  
 Fletcher,  
 Glover,  
 Grant,  
 Greer (Calhoun),  
 Greer (Perry),  
 Haley,  
 Harrison,  
 Hinson,  
 Hood,  
 Howze,  
 Inge,  
 Jones (Wilcox),  
 Knight,  
 Macdonald,  
 McMillan (Wilcox),  
 Merrill,  
 Miller (Wilcox),  
 NeSmith,

Norwood,  
 O'Neal (Lauderdale),  
 O'Neill, (Jefferson),  
 Opp,  
 O'Rear,  
 Parker (Cullman),  
 Pettus,  
 Pitts,  
 Proctor,  
 Reese,  
 Rogers (Sumter),  
 Sanders,  
 Sanford,  
 Searcy,  
 Selheimer,  
 Smith (Mobile),  
 Vaughan,  
 Waddell,  
 Walker,  
 Watts,  
 Weakley,  
 Weatherly,  
 Williams (Barbour),  
 Williams (Marengo),  
 Wilson (Washington),  
 Winn—64.

#### NAYS.

Messrs. Bartlett,  
 Beddow,  
 Brooks,  
 Burnett,  
 Cardon,  
 Carmichael (Coffee),  
 Cobb,  
 Davis (Etowah),  
 Dent,  
 Duke,  
 Eley,  
 Foshee,

Gilmore,  
 Graham (Montgomery),  
 Grayson,  
 Handley,  
 Heflin (Randolph),  
 Henderson,  
 Jackson,  
 Jenkins,  
 Jones (Bibb),  
 Kirk,  
 Kyle,  
 Lomax,

Long (Walker),  
 Lowe (Jefferson),  
 Malone,  
 Martin,  
 Maxwell,  
 Moody,  
 Murphree,  
 Oates,  
 Parker (Elmore),  
 Pearce,  
 Phillips,  
 Porter,  
 Reynolds (Henry),  
 Robinson,  
 Rogers (Lowndes),

Samford,  
 Sloan,  
 Smith, Mac. A.  
 Smith, Morgan M.,  
 Sollie,  
 Sorrell,  
 Spears,  
 Spragins,  
 Tayloe,  
 Thompson,  
 White,  
 Whiteside,  
 Williams (Elmore),  
 Wilson (Clarke),—53.

PAIRS ANNOUNCED.

Messrs. Browne and Graham of Talladega. Mr. Browne stated that he did not know how Mr. Graham, of Talladega, would vote, but that he was paired, and if present he (Mr. Graham, of Talladega) would vote nay, and that he (Mr. Browne) would vote aye.

Subdivision 1 of Section 4 of the article of the report of the Committee on Suffrage and Elections was adopted.

Subdivision 2 of Section 4 of the article of the report of the Committee on Suffrage and Elections was adopted.

PROTEST.

Mr. Lowe, of Jefferson, stated that he desired to file his protest against the adoption of subdivision 2, as he considered the subdivision 2 undemocratic, unjust and unfair.

Subdivision 3 of Section 4 of the article of the report of the Committee on Suffrage and Elections was adopted.

The question was upon the adoption of entire Section 4 of the article on Suffrage and Elections.

Section 4 was thereupon adopted : Yeas, 104 ; nays, 14.

## YEAS.

Messrs. President,	Hinson,
Altman,	Hood,
Ashcraft,	Howze,
Barefield,	Inge,
Bethune,	Jackson,
Blackwell,	Jenkins,
Boone,	Jones (Bibb),
Brooks,	Jones (Wilcox),
Bulger,	Kirk,
Burnett,	Knight,
Carmichael (Colbert),	Lomax,
Carmichael (Coffee),	Long (Walker),
Carnathon,	Macdonald,
Chapman,	McMillan (Wilcox),
Cobb,	Malone,
Coleman (Greene),	Martin,
Coleman (Walker),	Maxwell,
Cornwell,	Merrill,
Cunningham,	Miller (Wilcox),
Davis (Etowah),	Moody,
deGraffenried,	Murphree,
Duke,	NeSmith,
Eley,	Norwood,
Eyster,	O'Neal (Lauderdale),
Ferguson,	O'Neill (Jefferson),
Fitts,	Opp,
Fletcher,	O'Rear,
Foster,	Parker (Cullman),
Glover,	Parker (Elmore),
Graham (Montgomery),	Pearce,
Grant,	Pettus,
Grayson,	Pillans,
Greer (Calhoun),	Pitts,
Greer (Perry),	Proctor,
Haley,	Reese,
Handley,	Reynolds (Henry),
Heflin (Chambers),	Robinson,
Heflin (Randolph),	Rogers (Lowndes),
Henderson,	Rogers (Sumter).

Samford,  
 Sanders,  
 Sanford,  
 Searcy,  
 Selheimer,  
 Smith (Mobile),  
 Smith, Mac. A.,  
 Smith, Morgan M.,  
 Sollie,  
 Sorrell,  
 Spragins,  
 Tayloe,  
 Thompson,

Vaughan,  
 Waddell,  
 Walker,  
 Watts,  
 Weakley,  
 Weatherly,  
 Whiteside,  
 Williams (Barbour),  
 Williams (Marengo),  
 Williams (Elmore),  
 Wilson (Clarke),  
 Wilson (Washington).  
 Winn—104.

## NAYS.

Messrs. Bartlett,  
 Beddow,  
 Cardon,  
 Dent,  
 Foshee,  
 Gilmore,  
 Harrison,

Kyle,  
 Lowe (Jefferson),  
 Oates,  
 Porter,  
 Sloan,  
 Spears,  
 White—14.

## PAIRS ANNOUNCED.

The following pairs were announced:

Messrs. Locklin, Banks, Browne, Graham of Talladega, Burns, Byars, Stewart, Cofer, McMillan of Baldwin, Howell, Davis of DeKalb, Phillips, Craig, Freeman. Messrs. Locklin, Browne, Burns, Stewart, McMillan of Baldwin, Davis of DeKalb, Craig would vote aye; and Messrs. Banks, Graham of Talladega, Byars, Cofer, Howell, Phillips and Freeman would vote nay.

## SECTION FIVE.

Was read at length as follows:

Sec. 5. After the first day of January, 1903, the following persons, and no others, who, if their place of residence shall remain unchanged, will have, at the

date of the next general election, the qualifications as to residence prescribed in Section 2 of this article, shall be qualified to register as electors; provided, they shall not be disqualified under Section 6 of this article:

First—Those who, unless prevented by physical disability can read and write any article of the Constitution of the United States in the English language, and who, being physically able to work, have been regularly engaged in some lawful business or occupation, trade or calling for twelve months next preceding the time they offer to register; or

Second—The owner in good faith in his own right or the husband of a woman who is the owner in good faith in her own right, of forty acres of land situated in this State, upon which they reside; or the owner in good faith in his own right, or the husband of any woman who is the owner in good faith in her own right, of real estate situate in this State assessed for taxation at the value of \$300 or more, or the owner in good faith, in his own right, or the husband of a woman who is the owner in good faith, in her own right, of personal property in this State assessed for taxation at \$300 or more; provided, that the taxes due upon such real or personal property for the year next preceding the year in which he offers to register, shall have been paid, unless the assessment shall have been legally contested and is undetermined.

On motion of Mr. Sanford the rules were suspended and Section 5 was considered by subdivisions.

Mr. Long, of Walker, offered the following amendment to Section 5, subdivision 1:

Amend Section 5 in first line by striking out "1903" and inserting "1905" in lieu thereof, and by adding after word "article," in fifth line, the following: "Provided further, that all male persons becoming of age or citizens of Alabama, between first of January, 1903, and first January 1905, shall be registered under subdivision 3 of Section 4 of this article."

Mr. O'Neal, of Lauderdale, moved to table the amendment offered by Mr. Long, of Walker.

The motion prevailed, and the amendment was laid upon the table: Yeas, 63; nays, 49.

## YEAS.

Messrs. President,	Macdonald,
Ashcraft,	McMillan (Wilcox),
<b>Banks,</b>	Merrill,
Barefield,	Miller (Wilcox),
Bethune,	NeSmith,
Blackwell,	Norwood,
Boone,	O'Neal (Lauderdale),
Browne,	O'Rear,
Carmichael (Colbert),	Parker (Cullman),
Carnathon,	Pettus,
Chapman,	Pillans,
Cobb,	Pitts,
Coleman (Greene),	Rogers (Lowndes),
Coleman (Walker),	Rogers (Sumter),
Cunningham,	Sanders,
Dent,	Searcy,
deGraffenried,	Selheimer,
Fitts,	Smith (Mobile),
Fletcher,	Tayloe,
Foster,	Vaughan,
Glover,	Waddell,
Grant,	Walker,
Greer (Perry),	Watts,
Hinson,	Weakley,
Hood,	Weatherly,
Howell,	Williams (Barbour),
Howze,	Williams (Marengo),
Inge,	Williams (Elmore),
Jones (Wilcox),	Wilson (Clarke),
Knight,	Wilson (Washington).
Lomax,	Winn—63.
Lowe (Jefferson),	



## NAYS.

Messrs. Bartlett,	Maxwell,
Beddow,	Moody,
Bulger,	Murphree,
Burnett,	Oates,
Cardon,	O'Neill (Jefferson),
Carmichael (Coffee),	Opp,
Davis (Etowah),	Parker (Elmore),
Duke,	Pearce,
Eley,	Phillips,
Ferguson,	Porter,
Foshee,	Proctor,
Graham (Montgomery),	Reynolds (Henry),
Grayson,	Robinson,
Greer (Calhoun),	Sanford,
Haley,	Sloan,
Handley,	Smith, Mac. A.,
Heflin (Randolph),	Smith, Morgan M.,
Jackson,	Sollie,
Jenkins,	Sorrell,
Jones (Bibb),	Spears,
Kirk,	Spragins,
Kyle,	Thompson,
Long (Walker),	White,
Malone,	Whiteside—49.
Martin,	

## RECONSIDERATION.

Mr. Williams, of Elmore, gave notice that on to-morrow morning he would move to reconsider the vote by which the amendment offered by Mr. Long, of Walker, was tabled.

Mr. Coleman, of Greene, moved that subdivision 1 of Section 5 be adopted, and called for previous question.

## ADJOURNMENT.

On motion of Mr. Rogers, of Sumter, the Convention adjourned until 9 o'clock to-morrow morning.

FIFTY-NINTH DAY.

CONVENTION HALL.

Montgomery, Ala., Wednesday, July 31, 1901.

The Convention met pursuant to adjournment.

Prayer was offered by Rev. Mr. Howell of the Convention.

ROLL CALL.

On a call of the roll of the Convention the following delegates answered to their names, which constituted a quorum :

Messrs. President,	Cornwell,
Altman,	Craig,
Ashcraft,	Cunningham,
Banks,	Davis, (Etowah),
Barefield,	Dent,
Bartlett,	deGraffenried,
Beavers,	Duke,
Beddow,	Eley,
Bethune,	Eyster,
Blackwell,	Ferguson,
Boone,	Fitts,
Brooks,	Fletcher,
Browne,	Foshee,
Bulger,	Foster,
Burnett,	Gilmore,
Byars,	Glover,
Cardon,	Graham (Montgomery),
Carmichael (Colbert),	Graham (Talladega),
Carmichael (Coffee),	Grayson,
Carnathon,	Greer (Calhoun),
Chapman,	Greer (Perry),
Cobb,	Haley,
Cofer,	Handley,
Coleman (Greene),	Harrison,
Coleman (Walker),	Heflin (Chambers),

Heflin (Randolph),  
Henderson,  
Hodges,  
Hood,  
Howell,  
Howze,  
Inge,  
Jackson,  
Jenkins,  
Jones (Bibb),  
Jones (Wilcox),  
King,  
Kirk,  
Kirkland,  
Knight,  
Kyle,  
Ledbetter,  
Leigh,  
Lomax,  
Long (Butler),  
Long (Walker),  
Lowe (Jefferson),  
Macdonald,  
McMillan (Baldwin),  
McMillan (Wilcox),  
Malone,  
Martin,  
Maxwell,  
Merrill,  
Miller (Wilcox),  
Morrisette,  
Murphree,  
NeSmith,  
Norwood,  
Oates,  
O'Neal (Lauderdale),  
O'Neill (Jefferson),  
Opp,  
O'Rear,  
Palmer,

Parker (Cullman),  
Pettus,  
Phillips,  
Pillans,  
Pitts,  
Proctor,  
Reese,  
Robinson,  
Rogers (Lowndes),  
Rogers (Sumter),  
Samford,  
Sanders,  
Sanford,  
Searcy,  
Selheimer,  
Sentell,  
Sloan,  
Smith (Mobile),  
Smith, Mac. A.,  
Smith, Morgan M.,  
Sollie,  
Sorrell,  
Spears,  
Spragins,  
Tayloe,  
Thompson,  
Vaughan,  
Waddell,  
Walker,  
Watts,  
Weakley,  
White,  
Whiteside,  
Williams (Barbour),  
Williams (Marengo),  
Williams (Elmore),  
Wilson (Clarke),  
Wilson (Washington),  
Winn—129.

## LEAVE OF ABSENCE.

Was granted to Messrs. Jones of Montgomery for to-day; Graham of Talladega for yesterday; to Mr. Sentell this afternoon and to-morrow.

## REPORT OF COMMITTEE ON THE JOURNAL.

The chairman of the Committee on the Journal submitted the following report, which was concurred in:

The Committee on the Journal beg leave to report that they have examined the Journal for the fifty-eighth day of the Convention, and that the same is correct.

Respectfully submitted,

JOHN F. PROCTOR, *Chairman.*

## RESOLUTIONS ON FIRST READING.

The following resolution was introduced, severally read one time at length, and referred to appropriate committees, as follows:

Resolution 277, by Mr. O'Neal, of Lauderdale:

Resolved, That a special committee of three be appointed by the Chair, whose duty it shall be to ascertain and report the cause of the delay and confusion in the delivery and distribution of the mail of the delegates to this Convention, and to recommend such action as they deem best to secure a speedy delivery and distribution of the mail.

On motion of Mr. O'Neal, of Lauderdale, the rules were suspended, and the resolution was adopted.

## APPOINTMENT OF COMMITTEE.

The President appointed the following committee, under the resolution above set out: Committee—Messrs. O'Neal of Lauderdale, Pillans, and NeSmith.

Resolution 278, by Mr. deGraffenried:

Resolved, That the Secretary of this Convention be and he is hereby instructed to buy the necessary parch-

ment for enrolling the Constitution to be adopted by this Convention.

The resolution was adopted.

Resolution 279, by the Rules Committee:

Resolved, That from and after the passage of this resolution the special resolution heretofore introduced, extending the limit of debate as applicable to the consideration of the report of the Committee on Suffrage, be repealed; and that the previous rule, limiting each speech in the debate upon amendments to ten minutes be again put in force.

The resolution was adopted.

Resolution 280, by Mr. Long, of Walker:

Be it ordained that Section 5 of the report of the Committee on Suffrage and Elections be stricken out and the following inserted in lieu thereof:

Sec. 5. The General Assembly shall provide by law for the registration of all male persons becoming of age and all male persons who become citizens of Alabama on and after the first of January, 1903; provided, any law for registration made by the General Assembly shall require all applicants for registration after January 1st, 1903, to be eligible to register under all the requirements made by Section 2 of this article; provided, the General Assembly may make by law, to become operative after January 1st, 1903, such other provisions for registering and voting not in conflict with this Constitution.

The resolution was referred to the Committee on Suffrage and Elections.

#### ORDINANCES ON FIRST READING.

The following ordinances were introduced, severally read one time at length, and referred to appropriate committees, as follows:

Ordinance 435, by Mr. Beavers:

To amend Section 3 of Article II of the Constitution.

The ordinance was referred to the Committee on State and County Boundaries.

Ordinance 436, by Mr. Handley:

To repeal Sections 8 and 9 on Banks and Banking, adopted by this Convention.

The ordinance was referred to the Committee on Banks and Banking.

#### STENOGRAPHIC REPORT.

Messrs. Bulger, Dent and Long of Walker called the attention of the Convention to certain errors in the stenographic report of the proceedings of yesterday.

#### REPORT OF THE COMMITTEE ON ENGROSSMENT.

The chairman of the Committee on Engrossment submitted the following report:

*Mr. President:*

The Committee on Engrossment have examined and compared the following article, to-wit: Legislative Department and find it correctly engrossed.

Respectfully submitted,

WM. H. SAMFORD, *Chairman.*

Mr. O'Neal, of Lauderdale, moved to lay the entire article of Legislative Department on the table.

The motion was lost.

#### ORDINANCE ON THIRD READING.

The ordinance "to create and define the Legislative Department" was taken up, read a third time at length as follows, and adopted:

Yeas, 115; nays, 12.

An ordinance to create and define the Legislative Department.

Be it ordained by the people of Alabama, in Convention assembled, that Article IV of the Constitution be stricken out, and the following article inserted in lieu thereof:

## ARTICLE —

## LEGISLATIVE DEPARTMENT.

Section 1. The legislative power of this State shall be vested in a Legislature, which shall consist of a Senate and House of Representatives.

Sec. 2. The style of the laws of this State shall be: "Be it enacted by the Legislature of Alabama," which need not be repeated, but the act shall be divided into sections for convenience, according to substance, and the sections designated merely by figures.

Each law shall contain but one subject, which shall be clearly expressed in its title, except general appropriation bills, general revenue bills, and bills adopting a code, digest, or revision of statute; and no law shall be revived, amended or the provisions thereof extended or conferred, by reference to its title only; but so much thereof as is revived, amended, extended, or conferred, shall be reenacted and published at length.

Sec. 3. Senators and Representatives shall be elected by the qualified electors on Tuesday after the first Monday in November, 1902, and every four years thereafter, unless the Legislature shall change the time of holding elections; the terms of office of the Senators and Representatives shall be four years, commencing on the day after the general election, except as otherwise provided in this Constitution. Whenever a vacancy shall occur in either House the Governor shall issue a writ of election to fill such vacancy for the remainder of the term.

Sec. 4. Senators shall be at least twenty-five years of age, and Representatives twenty-one years of age; they shall have been citizens and residents of this State for three years and residents of their respective counties or districts one year next before their election, if such county or district shall have been so long established; but if not, then of the county or district from which the same shall have been taken; and they shall reside in their respective counties or districts during their terms of service.

Sec. 5. The Legislature shall meet quadrennially, at the Capitol in the Senate Chamber and in the Hall of the House of Representatives, (except in cases of the destruction of the Capitol, or epidemics, when the Governor may convene them at such place in the State as he may deem best), on the day specified in this Constitution, or on such other day as may be prescribed by law; and shall not remain in session longer than sixty days at the first session held under this Constitution, nor longer than fifty days at any subsequent session.

Sec. 6. The pay of the members of the Legislature shall be \$4.00 per day, and 10 cents per mile in going to and returning from the seat of government, to be computed by the nearest usual route traveled.

Sec. 7. The Legislature shall consist of not more than thirty-five Senators, and not more than one hundred and five members of the House of Representatives, to be apportioned among the several districts and counties as prescribed in this Constitution; provided that upon the creation of any new county, it shall be entitled to one Representative in addition to the number above named.

Sec. 8. The Senate, at the beginning of each regular session, and at such other times as may be necessary, shall elect one of its members President thereof, to preside over the deliberations in the absence of the Lieutenant Governor; and the House of Representatives, at the beginning of each regular session, and at such other time as may be necessary, shall elect one of its members as Speaker; and the President of the Senate and the Speaker of the House of Representatives shall hold their offices respectively until their successors are elected and qualified. In case of temporary disability of either of said presiding officers, the House to which he belongs may elect one of its members to preside over that House and to perform all the duties of such officer under disability during the continuance of the same; and such temporary officer, while performing duty as such, shall receive only the same compensation to which the permanent officer is entitled by law. Each House



shall choose its own officers and shall judge of the election, returns and qualifications of its members.

Sec. 9. A majority of each House shall constitute a quorum to do business; but a smaller number may adjourn from day to day and may compel the attendance of absent members, in such manner and under such penalties as each House may provide.

Sec. 10. Each House shall have power to determine the rules of its proceedings and to punish its members or other persons, for contempt or disorderly behavior in its presence; to enforce the obedience to its process; to protect its members against violence, or offers of bribe or corrupt solicitation; and with the concurrence of two-thirds of either House, to expel a member, but not a second time for the same offense; and shall have all the powers necessary for the Legislature of a free State.

Sec. 11. A member of either House expelled for corruption shall not thereafter be eligible to either House, and punishment for contempt or disorderly behavior shall not bar an indictment for the same offense.

Sec. 12. Each House shall keep a Journal of its proceedings and cause the same to be published immediately after its adjournment, excepting such parts as, in its judgment, may require secrecy; and the yeas and nays of the members of either House on any question shall, at the desire of one-tenth of the members present, be entered on the Journal. Any member of either House shall have liberty to dissent from or protest against any act or resolution which he may think injurious to the public, or an individual, and have the reasons for his dissent entered on the Journal.

Sec. 13. Members of the Legislature shall, in all cases, except treason, felony, violation of their oath of office, and breach of the peace, be privileged from arrest during their attendance at the session of their respective Houses, and in going to and returning from the same; and for any speech or debate in either House they shall not be questioned in any other place.

Sec. 14. The doors of each House shall be opened except on such occasions as, in the opinion of the House,

may require secrecy, but no person shall be admitted to the floor of either House while the same is in session, except members of the Legislature, the officers and employes of the two Houses, the Governor and his secretaries, representatives of the press, and such other persons to whom either House, by unanimous vote, may extend the privileges of its floor.

Sec. 15. Neither House shall, without consent of the other, adjourn for more than three days, nor to any other place than that in which they may be sitting.

Sec. 16. No Senator or Representative shall, during the term for which he shall have been elected, be appointed to any office of profit under this State, which shall have been created, or the emoluments of which shall have been increased during such term, except such offices as may be filled by election by the people.

Sec. 17. No person convicted of embezzlement of the public money, bribery, perjury, or other infamous crime, shall be eligible to the Legislature, or capable of holding any office of trust or profit in this State.

Sec. 18. No law shall be passed except by bill, and no bill shall be so altered or amended on its passage through either House as to change its original purpose.

Sec. 19. No bill shall become a law until it shall have been referred to a standing committee of each House, acted upon by such committee in session, and returned therefrom, which facts shall affirmatively appear upon the Journal of each House.

Sec. 20. Every bill shall be read on three different days in each House, and no bill shall become a law, unless on its final passage it be read at length, and the vote be taken by yeas and nays, the names of the members voting for and against the same to be entered upon the Journals, and a majority of each House be recorded thereon as voting in its favor, except as otherwise provided in this Constitution.

Sec. 21. No amendment to bills shall be adopted except by a majority of the House wherein the same is offered, nor unless the amendment with the names of those voting for and against the same shall be entered at length on the Journal of the House in which the

same is adopted, and no amendment to bills by one House shall be concurred in by the other, unless by a vote taken by yeas and nays, and the names of the members voting for and against the same be recorded at length on the Journal; and no report of a committee of conference shall be adopted in either House, except upon a vote taken by yeas and nays, and entered on the Journal, as herein provided for the adoption of amendments.

Sec. 22. The Legislature shall have no power to authorize lotteries or gift enterprises for any purpose, and shall pass laws to prohibit the sale of lottery or gift enterprise tickets, or tickets in any scheme in the nature of a lottery, in this State; and all acts, or parts of acts heretofore passed by the Legislature of this State, authorizing a lottery or lotteries and all acts amendatory thereof, or supplemental thereto, are hereby avoided.

Sec. 23. The presiding officer of each House shall, in the presence of the House over which he presides, sign all bills and joint resolutions passed by the Legislature, after the same shall have been publicly read at length immediately before signing, and the fact of reading and signing shall be entered upon the Journal; but the reading at length may be dispensed with by a two-thirds vote of a quorum present, which fact shall also be entered upon the Journal.

Sec. 24. The Legislature shall prescribe by law the number, duties and compensation of the officers and employes of each House, and no payment shall be made from the State Treasury or be in any way authorized to any person except to an acting officer or employe elected or appointed in pursuance of law.

Sec. 25. The Legislature shall have no power to grant or to authorize or require any county or municipal authority to grant, nor shall any county or municipal authority have power to grant any extra compensation, fee or allowance to any public officer, servant or employe, agent or contractor, after service shall have been rendered or contract made, nor to increase or decrease the fees and compensation of such officers during their term of office; nor shall any officer of the

State bind the State to the payment of any sum of money but by authority of law; provided this section shall not apply to allowances made by Commissioners, Courts or Boards of Revenue to county officers for ex officio services.

Sec. 26. All stationery, printing, paper and fuel used in the legislative and other departments of government shall be furnished and the printing, binding and distribution of laws, Journals, department reports and all other printing and binding and repairing and furnishing the halls and rooms used for the meeting of the Legislature and its committees, shall be performed under contract, to be given to the lowest responsible bidder below a maximum price, and under such regulations as shall be prescribed by law; no member or officer of any department of the government shall be in any way interested in such contracts, and all such contracts shall be subject to the approval of the Governor, Auditor and Treasurer.

Sec. 27. All bills for raising revenue shall originate in the House of Representatives. The Governor, Auditor and Attorney General shall, before each regular session of the Legislature, prepare a general revenue bill to be submitted to the Legislature, for its information, and the Secretary of State shall have printed for the use of the Legislature a sufficient number of copies of the bill so prepared which the Governor shall transmit to the House of Representatives as soon as organized, to be used or dealt with as that House may elect. The Senate may propose amendments to revenue bills. No revenue bill shall be passed during the last five days of the session.

Sec. 28. The general appropriation bill shall embrace nothing but appropriations for the ordinary expenses of the Executive, Legislative and Judicial departments of the State, interest on the public debt, and for the public schools. The salary of no officer or employe shall be increased in such bill, nor shall any appropriation be made for any officer or employe unless his employment and the amount of his salary have already been provided for by law. All other appropria-

tions shall be made by separate bill, and each embracing but one subject.

Sec. 29. No money shall be paid out of the Treasury except upon appropriation made by law, and on warrant drawn by the proper officer in pursuance thereof; and a regular statement and account of receipts and expenditures of all public moneys shall be published annually, in such manner as may be by law directed.

Sec. 30. No appropriation shall be made to any charitable or educational institution not under the absolute control of the State, other than normal schools established by law for the professional training of teachers for the public schools of the State, except by vote of two-thirds of all members elected to each House.

Sec. 31. No act of the Legislature shall authorize the investment of any trust fund by executors, administrators, guardians and other trustees in the bonds or stock of any private corporation; and any such acts now existing are avoided, saving investments heretofore made.

Sec. 32. The power to change the venue in civil and criminal cases is vested in the courts, to be exercised in such manner as shall be provided by law.

Sec. 33. When the Legislature shall be convened in special session there shall be no legislation upon subjects other than those designated in the proclamation of the Governor calling such session, except by a vote of two-thirds of each House.

Sec. 34. No State office shall be continued or created for the inspection or measuring of any merchandise, manufacture or commodity, but any county or municipality may appoint such officers when authorized by law.

Sec. 35. No act of the Legislature changing the seat of government of the State shall become a law until the same shall have been submitted to the qualified electors of the State at a general election, and approved by a majority of such electors voting on the same; and such act shall specify the proposed new location.

Sec. 36. A member of the Legislature who shall solicit, demand, or receive, or consent to receive, directly or indirectly, for himself or for another, from

any company, corporation or person, any money, office, appointment, employment, reward, thing of value, or enjoyment, or personal advantage or promise thereof, for his vote or official influence or for withholding the same, or with an understanding, expressed or implied, that his vote or his official action shall in any way be influenced thereby; or who shall solicit or demand any such money or other advantage, matter or thing aforesaid, for another as the consideration of his vote or influence, or for withholding the same; or shall give or withhold his vote or influence in consideration of the payment or promise of such money, advantage, matter or thing to another, shall be guilty of bribery within the meaning of this Constitution; and shall incur the disabilities provided thereby for such offense, and such additional punishment as is or shall be provided by law.

Sec. 37. Any person who shall directly or indirectly offer, give or promise any money, or thing of value, testimonial, privilege, or personal advantage, to any executive or judicial officer or member of the Legislature to influence him in the performance of any of his public or official duties, shall be guilty of bribery and be punished in such manner as shall be provided by law.

Sec. 38. The offense of corrupt solicitation of members of the Legislature or of public officers of this State or of any municipal division thereof, and any occupation or practice of solicitation of such members or officers, to influence their official action, shall be defined by law, and shall be punished by fine and imprisonment in the penitentiary; and the Legislature shall provide for the trial and punishment of the offenses enumerated in the two preceding sections, and shall require the Judges to give the same specially in charge to the Grand Juries in all the counties of this State.

Sec. 39. A member of the Legislature who has a personal or private interest in any measure or bill, proposed or pending before the Legislature, shall disclose the fact to the Committee of which he is a member, and shall not vote thereon.

**Sec. 40.** In all elections by the Legislature, the members shall vote viva voce, and the votes shall be entered on the Journals.

**Sec. 41.** It shall be the duty of the Legislature to pass such laws as may be necessary and proper to decide differences by arbitrators, to be appointed by the parties, who may choose that mode of adjustment.

**Sec. 42.** It shall be the duty of the Legislature, at its first session after the ratification of this Constitution, and within every subsequent period of twelve years, to make provision by law for the revision, digesting and promulgation of the public statutes of this State, of a general nature, both civil and criminal.

**Sec. 43.** The Legislature shall pass such penal laws as they may deem expedient, to suppress the evil practice of dueling.

**Sec. 44.** It shall be the duty of the Legislature to regulate by law the cases in which deduction shall be made from the salaries of public officers for neglect of duty in their official capacities, and the amount of such deduction.

**Sec. 45.** It shall be the duty of the Legislature to require the several counties of this State to make adequate provision for the maintenance of the poor.

**Sec. 46.** The Legislature shall not have power to authorize any municipal corporations to pass any laws inconsistent with the general laws of this State.

**Sec. 47.** In the event of annexation of any foreign territory to this State, the Legislature shall enact laws extending to the inhabitants of the acquired territory all the rights and privileges which may be required by the terms of the acquisition not inconsistent with this Constitution. Should the State purchase such foreign territory the Legislature, with the approval of the Governor, shall be authorized to expend any money in the Treasury not otherwise appropriated, and if necessary, to provide also for the issuance of State bonds to pay for the purchase of such foreign territory.

**Sec. 48.** The Legislature shall not tax the property real or personal, of the State, counties or other municipal corporations, or cemeteries; nor lots in incorpor-

ated cities or towns, or within one mile of any city or town, to the extent of one acre, nor lots one mile or more distant from such cities or towns, to the extent of five acres, with the buildings thereon, when the same are used exclusively for religious worship, for public schools or for purposes purely charitable.

Sec. 49. The Legislature shall, by law, prescribe such rules and regulations as may be necessary to ascertain the value of personal and real property, exempted from sale under legal process by this Constitution; and to secure the same to the claimant thereof as selected.

Sec. 50. The State shall not engage in works of internal improvement, nor lend money or its credit in aid of such; nor shall the State be interested in any private or corporate enterprise, or lend money or its credit to any individual, association or corporation.

Sec. 51. The Legislature shall have no power to authorize any county, city, town or other subdivision of this State to lend its credit, or to grant public money or thing of value, in aid of, or to any individual, association or corporation whatsoever, or to become a stockholder in any such corporation, association, or company by issuing bonds or otherwise.

Sec. 54. There can be no law of this State impairing the obligation of contracts by destroying or impairing the remedy for their enforcement; and the Legislature shall have no power to revive any right or remedy which may have become barred by lapse of time, or by any statute of this State.

Sec. 53. The Legislature shall not enact any law not applicable to all the counties in the State, regulating costs and charges of courts, or fees, commissions or allowances of public officers.

Sec. 54. The Legislature shall not authorize payment to any person of the salary of a deceased officer beyond the date of his death.

Sec. 55. The Legislature shall not retire any officer on pay, or part pay, or make any grant to such retiring officer.

Sec. 56. Lands belonging to, or under the control of the State shall never be donated directly or indirectly



to private corporations or individuals, or railroad companies; nor shall such lands be sold to corporations or associations for a less price than that for which it is subject to sale to individuals; provided, that nothing contained in this section shall prevent the Legislature from granting a right of way, not exceeding 125 feet in width, as a mere easement, to railroads or telegraph or telephone lines across State lands, and the Legislature shall never dispose of the land covered by said right of way, except subject to such easement.

Sec. 57. No obligation or liability of any person, association or corporation held or owned by this State, or by any county, or other municipality thereof, shall ever be remitted, released, or postponed, or in any way diminished, by the Legislature; nor shall such liability or obligation be extinguished except by payment thereof; nor shall such liability, or obligation be exchanged or transferred except upon payment of its face value; provided, that this section shall not prevent the Legislature from providing, by general law, for the compromise of doubtful claims.

Sec. 58. No State or county official shall, at any time during his term of office, accept, either directly or indirectly, any fee, money, office, appointment, employment, reward or thing of value, or of personal advantage, or the promise thereof, to lobby for or against any measure pending before the Legislature, or to give or withhold his influence to secure the passage or defeat of any such measure.

Sec. 59. The Legislature shall never pass any law to authorize or legalize any marriage between any white person and a negro or descendant of a negro.

Sec. 60. The Legislature shall provide by law for the regulation, prohibition or reasonable restraint of common carriers, partnerships, associations, trusts, monopolies and combinations of capital so as to prevent them or either of them from making the articles of necessity, trade or commerce scarce, or from increasing unreasonably the cost thereof to the consumer, or preventing reasonable competition in any calling, trade or business.

Sec. 61. The Senators and Representatives shall, before entering on their official duties, take the following oath, to-wit: "I, —————, do solemnly swear (or affirm, as the case may be), that I will support the Constitution of the United States and the Constitution of the State of Alabama to the best of my ability, so help me God."

Sec. 62. If at any time it should become impossible or dangerous for the Legislature to meet or remain at the Capitol, or for the Senate to meet or remain in the Senate chamber, or for the Representatives to meet or remain in the hall of the Representatives, the Governor may convene the Legislature or remove it after it has convened, to some other place, or may designate some other place for the sitting of the respective houses or either of them, as necessity may require.

## YEAS.

Messrs. President,	Craig,
Altman,	Cunningham,
Ashcraft,	Davis (Etowah),
Banks,	Dent,
Barefield,	deGraffenried,
Beavers,	Duke,
Beddow,	Eley,
Bethune,	Eyster,
Blackwell,	Fitts,
Boone,	Fletcher,
Browne,	Foster,
Bulger,	Gilmore,
Burnett,	Glover,
Burns,	Graham (Montgomery),
Carmichael (Colbert),	Graham (Talladega),
Carmichael (Coffee),	Grant,
Carnathon,	Grayson,
Chapman,	Greer (Calhoun),
Cobb,	Greer (Perry),
Coleman (Greene),	Haley,
Coleman (Walker),	Handley,
Cornwell,	Harrison,

Heflin (Randolph),  
 Henderson,  
 Hodges,  
 Hood,  
 Howell,  
 Howze,  
 Inge,  
 Jackson,  
 Jenkins,  
 Jones (Bibb),  
 Jones (Wilcox),  
 Kirk,  
 Kirkland,  
 Knight,  
 Kyle,  
 Leigh,  
 Lomax,  
 Love (Jefferson),  
 Macdonald,  
 McMillan (Wilcox),  
 Martin,  
 Maxwell,  
 Merrill,  
 Miller (Wilcox),  
 Morrisette,  
 Mulkey,  
 Murphree,  
 NeSmith,  
 Norwood,  
 Oates,  
 O'Neal (Lauderdale),  
 O'Neill (Jefferson),  
 O'Rear,  
 Palmer,  
 Parker (Cullman),  
 Parker (Elmore),

Pearce,  
 Pettus,  
 Pillans,  
 Pitts,  
 Proctor,  
 Reese,  
 Reynolds (Henry),  
 Robinson,  
 Rogers (Lowndes),  
 Rogers (Sumter),  
 Sanford,  
 Sanders,  
 Sanford,  
 Searcy,  
 Selheimer,  
 Sentell,  
 Smith (Mobile),  
 Smith, Mac. A.,  
 Smith, Morgan M.  
 Sorrell,  
 Spragins,  
 Tayloe,  
 Thompson,  
 Vaughan,  
 Waddell,  
 Walker,  
 Weakley,  
 White,  
 Whiteside,  
 Williams (Barbour),  
 Williams (Marengo),  
 Williams (Elmore),  
 Wilson (Clarke),  
 Wilson (Washington).  
 Winn—115.

#### NAYS.

Messrs. Bartlett,  
 Brooks,  
 Byars,

Cardon,  
 Cofer,  
 Foshee,

Moody,  
Phillips,  
Porter,

Reynolds (Chilton),  
Sollie,  
Spears—12.

### RECONSIDERATION.

Mr. Sanford gave notice that on to-morrow he would move to reconsider the vote by which the article of the report of the Committee on Legislative Department was adopted.

### STENOGRAPHIC REPORT.

Mr. White called the attention of the Convention to certain errors in the stenographic report of the proceedings of last Friday.

The report was ordered corrected.

### UNFINISHED BUSINESS.

The Convention proceeded to the consideration of the unfinished business, which was the report of the Committee on Suffrage and Elections.

The question was upon the adoption of the first paragraph of Section 5 of the article of the report of the Committee on Suffrage and Elections.

On motion of Mr. Coleman, of Greene, the first paragraph was adopted.

Mr. Sanford offered the following amendment to the first subdivision of Section 5:

Amend first subdivision of Section 5 by inserting after the word "work" in the eighth line of said section, the following: "And who are dependent on their labor for support."

Mr. Beddow offered the following substitute for the amendment of Mr. Sanford:

Amend Section 5 by striking out all the words after the word "language" in the seventh line, to and including the word "register" in the ninth line.

By unanimous consent the word "regularly" in the eighth line of the first subdivision before the word "en-

gaged" and after the word "been" was stricken out.

Mr. Coleman, of Greene, moved to table the substitute offered by Mr. Beddow.

The motion prevailed, and the substitute of Mr. Beddow was laid upon the table.

Mr. Cobb offered the following amendment to Section 5 of subdivision 1, which was adopted by unanimous consent:

Amend by inserting after the word "lawful" in the eighth line of the first subdivision of Section 5, the word "employment."

Mr. Pillans offered the following substitute for the amendment of Mr. Samford:

Amend the first subdivision of Section 5 by adding after the word "calling" in the ninth line and before the word "for" the following words, "so far as he has been able with diligence to procure the same."

Mr. Coleman, of Greene, moved to table the amendment offered by Mr. Samford, and the substitute offered by Mr. Pillans for the amendment offered by Mr. Samford.

A division of the question was demanded.

The question recurred upon the motion to table the substitute for the amendment offered by Mr. Pillans.

The motion prevailed and the substitute was laid upon the table.

The question recurred upon the motion to table the amendment offered by Mr. Samford.

The motion prevailed, and the amendment was laid upon the table.

Mr. Beddow offered the following amendment to subdivision 1, Section 5 of the article on Suffrage and Elections:

Amend subdivision first of Section 5 by inserting after the word "register" in line nine, the words: "Provided this subdivision shall not apply to persons temporarily unemployed, pending a strike or disagreement with their employers."

Mr. Coleman, of Greene, moved to table the amendment of Mr. Beddow.

The motion to table was lost: Yeas, 66; nays, 69.

## YEAS.

Messrs. Ashcraft,	Kyle,
Barefield,	Leigh,
Bethune,	Lomax,
Browne,	McMillan (Wilcox),
Bulger,	Merrill,
Burnett,	Miller (Wilcox),
Carnathon,	Morrisette,
Chapman,	NeSmith,
Cobb,	Norwood,
Coleman (Greene),	O'Neal (Lauderdale),
Coleman (Walker),	Opp,
Cornwell,	O'Rear,
Craig,	Palmer,
Dent,	Parker (Cullman),
deGraffenried,	Pearce,
Eley,	Pitts,
Fletcher,	Reynolds (Henry),
Glover,	Rogers (Lowndes),
(Graham (Talladega)).	Rogers (Sumter),
Grant,	Samford,
Greer (Calhoun),	Sanders,
Handley,	Searcy,
Harrison,	Sentell,
Henderson,	Smith (Mobile),
Hinson,	Smith, Morgan M.,
Hood,	Spragins,
Howze,	Tayloe,
Inge,	Waddell,
Jenkins,	Walker,
Jones (Hale),	Watts,
Jones (Wilcox),	Weakley,
Kirkland,	Williams (Barbour),
Knight,	Winn—66.

## NAYS.

Messrs. President,	Lowe (Jefferson),
Altman,	Macdonald,
Banks,	Martin,
Bartlett,	Maxwell,
Beavers,	Moody,
Beddow,	Mulkey,
Blackwell,	Murphree,
Boone,	Oates,
Brooks,	O'Neill, (Jefferson),
Burns,	Parker (Elmore),
Byars,	Pettus,
Cardon,	Phillips,
Carmichael (Colbert),	Pillans,
Carmichael (Coffee),	Porter,
Cunningham,	Reese,
Davis, (Etowah),	Renfro,
Duke,	Reynolds (Chilton),
Fitts,	Robinson,
Foshee,	Sanford,
Foster,	Selheimer,
Gilmore,	Sloan,
Graham (Montgomery),	Smith, Mac. A.
Grayson,	Sollie,
Greer (Perry),	Sorrell,
Haley,	Spears,
Heflin (Chambers),	Thompson,
Heflin (Randolph),	Vaughan,
Hodges,	Weatherly,
Howell,	White,
Jackson,	Whiteside,
Jones (Bibb),	Williams (Marengo),
Kirk,	Williams (Elmore),
Ledbetter,	Wilson (Clarke),
Long (Butler),	Wilson (Washington)—69.
Long (Walker).	

Mr. Graham, of Montgomery, offered the following amendment to the amendment offered by Mr. Beddow:

Amend amendment by striking out the words "pending a strike or disagreement with their employers."

On motion of Mr. Coleman, of Greene, subdivision 1, together with the pending amendments, were re-committed to the Committee on Suffrage and Elections.

Subdivision 2 of Section 5 was thereupon taken up.

Mr. Samford offered the following amendment to subdivision 2 of Section 5:

Amend the report of the Committee on Suffrage and Elections by striking out the second subdivision of Section 5 of said report.

The amendment of Mr. Samford was lost.

Subdivision 2 was thereupon adopted.

Mr. Sollie offered the following, to constitute a new subdivision to Section 5:

Amend Section 5 by adding at end following subdivision:

Third—Those who reach the age of 21 years after January 1, 1903, and before the first day of January, 1905, and who are persons of good character and who understand the duties and obligations of citizenship under a republican form of government. "But no one shall register under this subdivision after January 1, 1905."

Mr. Sollie offered the following substitute for the amendment offered by himself:

Amend Section 5 by adding at the end the following subdivision:

Third—Those who reach the age of 21 years after January 1, 1903, and before the first day of January, 1905, and who are lawful descendants of persons who honorably served in the land or naval forces of the United States in the war of the American Revolution, or in the war of 1812, or in the war with Mexico, or in any war with the Indians, or in the war between the States, or in the land or naval forces of the Confederate State, or of the State of Alabama, in the war between the States, or who are persons of good character and who understand the duties and obligations of citizenship under a republican form of government. But no one shall register under this subdivision after January 1, 1905.



## RECESS.

The hour of 1 o'clock p. m. arrived, and under the rules the Convention recessed until 3:30 this afternoon.

## AFTERNOON SESSION.

The Convention met pursuant to adjournment.

## ROLL CALL.

On a call of the roll of the Convention the following delegates answered to their names, which constituted a quorum:

Messrs. President,	Coleman (Walker),
Altman,	Cornwell,
Ashcraft,	Craig,
Banks,	Cunningham,
Barefield,	Davis (Etowah),
Bartlett,	Dent,
Beavers,	deGraffenried,
Beddow,	Duke,
Bethune,	Eley,
Blackwell,	Eyster,
Boone,	Espy,
Brooks,	Ferguson,
Browne,	Fitts,
Bulger,	Fletcher,
Burnett,	Foshee,
Burns,	Foster,
Byars,	Freeman,
Carmichael (Colbert),	Gilmore,
Carmichael (Coffee),	Glover,
Carnathon,	Graham (Montgomery),
Chapman,	Graham (Talladega),
Cobb,	Grant,
Cofer,	Grayson,
Coleman (Greene),	Greer (Calhoun),

Greer (Perry),  
Haley,  
Handley,  
Harrison,  
Heflin (Chambers),  
Heflin (Randolph),  
Henderson,  
Hinson,  
Hodges,  
Hood,  
Howell,  
Howze,  
Inge,  
Jackson,  
Jenkins,  
Jones (Bibb),  
Jones (Hale),  
Jones (Montgomery),  
Jones (Wilcox),  
Kirk,  
Kirkland,  
Knight,  
Kyle,  
Ledbetter,  
Leigh,  
Lomax,  
Long (Butler),  
Long (Walker),  
Lowe (Jefferson),  
Lowe (Lawrence),  
Macdonald,  
McMillan (Wilcox),  
Martin,  
Maxwell,  
Merrill,  
Miller (Wilcox),  
Moody,  
Morrisette,

Mulkey,  
Murphree,  
NeSmith,  
Norman,  
Norwood,  
Oates,  
O'Neal (Lauderdale),  
O'Neill (Jefferson),  
Opp,  
O'Rear,  
Palmer,  
Parker (Cullman),  
Parker (Elmore),  
Pearce,  
Pettus,  
Phillips,  
Pillans,  
Pitts,  
Porter,  
Proctor,  
Reese,  
Renfroe,  
Reynolds (Chilton),  
Reynolds (Henry),  
Robinson,  
Rogers (Lowndes),  
Rogers (Sumter),  
Samford,  
Sanders,  
Sanford,  
Searcy,  
Selheimer,  
Sentell,  
Sloan,  
Smith (Mobile),  
Smith, Mac. A.  
Smith, Morgan M.,  
Sollie,

Sorrell,  
Spears,  
Spragins,  
Tayloe,  
Thompson,  
Vaughan,  
Waddell,  
Walker,  
Watts,  
Weakley,

Weatherly,  
White,  
Whiteside,  
Williams (Barbour),  
Williams (Marengo),  
Williams (Elmore),  
Wilson (Clarke),  
Wilson (Washington),  
Winn—144.

#### UNFINISHED BUSINESS.

The Convention proceeded to the consideration of the unfinished business, which was the report of the Committee on Suffrage and Elections.

The question was upon the adoption of the substitute offered by Mr. Sollie for the amendment offered by himself.

The substitute offered by Mr. Sollie was lost.

The question then recurred upon the adoption of the amendment offered by Mr. Sollie.

The amendment offered by Mr. Sollie was lost.

Section 5, as amended, was thereupon adopted, with the exception of subdivision 1, which was recommitted to the Committee on Suffrage and Elections.

#### SECTION SIX.

Was read at length as follows:

Sec. 6.—The following persons shall be disqualified both from registering and from voting, namely:

All idiots and insane persons; those who shall, by reason of conviction of crime, be disqualified from voting at the time of the ratification of this Constitution; and those who shall be convicted of treason, murder, arson, embezzlement, malfeasance in office, larceny, receiving stolen property, obtaining property or money under false pretenses, perjury, subornation of perjury, robbery, assault with intent to rob, burglary, forgery,

bribery, assault and battery on the wife, bigamy, living in adultery, sodomy, incest, rape, miscegenation, crime against nature, or any crime punishable by imprisonment in the penitentiary, or of any infamous crime or crime involving moral turpitude; also, any person who shall be convicted as a vagrant or tramp, or of selling or offering to sell his vote or the vote of another, or buying or offering to buy the vote of another in any election by the people or in any primary election or to procure the nomination or election of any person to any office, or of suborning any witness or registrar to secure the registration of any person as an elector.

Mr. Porter offered the following amendment to Section 6:

Amendment to Section 6, on page 8, on Suffrage, by Mr. Porter:

Amend Section 6 at the end of the fifteenth line by adding: "Or any elector who registers for another, or who registers more than once; and any registrar who enters the name of any elector on the list of registered voters without such elector makes application in person and under oath, on a form provided for that purpose; or who knowingly registers any person more than once; or who knowingly enters a name upon the registration list as a registered voter when no one of that name applied to register.

On motion of Mr. Coleman, of Greene, the amendment of Mr. Porter was laid upon the table.

Mr. Sanford offered the following amendment to Section 6:

Amend Section 6 by inserting in the thirteenth line, after the words "primary election," the words "or in any nominating convention or mass meeting"; and also by adding at the end of the fifteenth line, "or to prevent the registration of any person as an elector."

The amendment offered by Mr. Sanford was lost.

Mr. Proctor offered the following amendment to Section 6:

Amend Section 6 by inserting in line twelve, after the word "another," the words "or making or offering to make a false return."

Mr. Reese moved to table the amendment offered by Mr. Proctor.

The motion to table was lost.

The question recurred upon the adoption of the amendment offered by Mr. Proctor.

The amendment offered by Mr. Proctor was adopted.

Section 6, as amended, was adopted.

#### RECONSIDERATION.

Mr. O'Neal, of Lauderdale, gave notice that on tomorrow he would move to reconsider the vote by which Section 6 was adopted.

#### RECONSIDERATION.

The Convention proceeded to the consideration of the motion to reconsider the vote by which Sections 1 and 2 were adopted; said motions of reconsideration having been heretofore postponed until disposition of Section 6.

The question recurred upon the motion to reconsider the vote by which Section 1 was adopted.

Mr. Cunningham moved to lay the motion to reconsider upon the table.

The motion was lost: Yeas, 53; nays, 69.

#### YEAS.

Messrs. Beddow,  
Bethune,  
Blackwell,  
Brooks,  
Browne,  
Burnett,  
Carmichael (Colbert),  
Carmichael (Coffee),  
Cobb,  
Cunningham,  
Davis (Etowah),  
Duke,

Eley,  
Fitts,  
Foshee,  
Foster,  
Gilmore,  
Graham (Montgomery),  
Haley,  
Heflin (Chambers),  
Hinson,  
Hodges,  
Jenkins,  
Jones (Bibb),

Kirk,  
Leigh,  
Lomax,  
Long (Walker),  
Macdonald,  
Martin,  
Merrill,  
Murphree,  
Parker (Cullman),  
Parker (Elmore),  
Pettus,  
Pillans,  
Porter,  
Proctor,  
Reynolds (Henry),

Rogers (Lowndes),  
Searcy,  
Selheimer,  
Smith, Mac. A.,  
Smith, Morgan M.,  
Sorrell,  
Spragins,  
Thompson,  
Vaughan,  
Weatherly,  
White,  
Whiteside,  
Wilson (Clarke),  
Wilson (Washington)—53.

NAYS.

Messrs. President,  
Altman,  
Ashcraft,  
Banks,  
Barefield,  
Bartlett,  
Boone,  
Bulger,  
Burns,  
Byars,  
Cardon,  
Carnathon,  
Chapman,  
Coleman (Greene),  
Coleman (Walker),  
Cornwell,  
Craig,  
Dent,  
deGraffenried,  
Fletcher,  
Glover,  
Graham (Talladega),  
Grant,

Grayson,  
Greer (Calhoun),  
Greer (Perry),  
Handley,  
Heflin (Randolph),  
Henderson,  
Hood,  
Howell,  
Howze,  
Inge,  
Jackson,  
Jones (Wilcox),  
Knight,  
Kyle,  
Ledbetter,  
Lowe (Jefferson),  
Lowe (Lawrence),  
McMillan (Wilcox),  
Maxwell,  
Miller (Wilcox),  
Moody,  
Morrisette,  
Oates,

O'Neal (Lauderdale),	Sloan,
O'Rear,	Smith (Mobile),
Palmer,	Spears,
Pearce,	Tayloe,
Phillips,	Waddell,
Pitts,	Walker,
Reese,	Watts,
Renfro,	Weakley,
Robinson,	Williams (Barbour),
Samford,	Williams (Elmore),
Sanders,	Winn—69.
Sanford,	

The question recurred upon the motion to reconsider Section 1.

The section was reconsidered.

Mr. Coleman, of Greene, moved that the vote by which the amendments to Section 1 were adopted be reconsidered.

The motion to reconsider was lost: Yeas, 56; nays, 63.

#### YEAS.

Messrs. President,	Handley,
Altman,	Henderson,
Banks,	Hood,
Barefield,	Howze,
Byars,	Inge,
Cardon,	Jones (Wilcox),
Carnathon,	Knight,
Coleman (Greene),	Kyle,
Coleman (Walker),	Ledbetter,
Cornwell,	Lowe (Lawrence),
Dent,	McMillan (Wilcox),
deGraffenried,	Miller (Wilcox),
Fletcher,	Moody,
Glover,	Morrisette,
Graham (Talladega),	NeSmith,
Grant,	Oates,
Grayson,	O'Neal (Lauderdale),
Greer (Calhoun),	O'Rear,
Greer (Perry),	Palmer,

Pearce,  
Pitts,  
Proctor,  
Reese,  
Renfro,  
Robinson,  
Rogers (Lowndes),  
Samford,  
Sanford,

Sloan,  
Smith (Mobile),  
Spears,  
Tayloe,  
Waddell,  
Walker,  
Williams (Barbour),  
Williams (Elmore),  
Winn—56.

## NAYS.

Messrs. Beavers,  
Beddow,  
Bethune,  
Blackwell,  
Brooks,  
Browne,  
Burnett,  
Burns,  
Carmichael (Colbert),  
Carmichael (Coffee),  
Chapman,  
Cobb,  
Cofer,  
Cunningham,  
Davis (Etowah),  
Duke,  
Eley,  
Fitts,  
Foshee,  
Foster,  
Graham (Montgomery),  
Haley,  
Heflin (Chambers),  
Heflin (Randolph),  
Hodges,  
Jackson,  
Jenkins,  
Jones (Bibb),  
Kirk,  
Kirkland,  
Leigh,  
Lomax,

Long (Walker),  
Lowe (Jefferson),  
Macdonald,  
Martin,  
Maxwell,  
Merrill,  
Murphree,  
Parker (Cullman),  
Parker (Elmore),  
Pettus,  
Phillips,  
Pillans,  
Porter,  
Reynolds (Henry),  
Sanders,  
Searcy,  
Selheimer,  
Smith, Mac. A.  
Smith, Morgan M.,  
Sorrell,  
Spragins,  
Thompson,  
Vaughan,  
Watts,  
Weakley,  
Weatherly,  
White,  
Whiteside,  
Williams (Marengo),  
Wilson (Clarke),  
Wilson (Washington)—63.



## PAIRS ANNOUNCED.

The following pairs were announced:

Messrs. Boone and Proctor; Craig and Freeman. Messrs. Boone and Craig would vote aye; and Messrs. Proctor and Freeman would vote nay.

The question recurred upon the adoption of Section 1. Section 1, as amended, was again adopted.

## RECONSIDERATION.

Mr. O'Neal, of Lauderdale, moved to reconsider the vote by which Section 1 was adopted, which motion goes over until to-morrow.

Mr. Cunningham raised the point of order that the motion of Mr. O'Neal, of Lauderdale, was out of order.

The point of order was sustained.

Thereupon Mr. O'Neal, of Lauderdale, appealed from the decision of the Chair.

The Chair was unanimously sustained.

## SECTION SEVEN.

Was read at length as follows, and adopted:

Sec. 7.—No person shall be qualified to vote or participate in any primary election, party convention, mass meeting, or other method of party action of any political party or faction, who shall not possess the qualifications prescribed in this article for an elector, or who shall be disqualified under the provisions of this article from voting.

## SECTION EIGHT.

Was read at length as follows, and adopted:

Sec. 8.—No person, not registered and qualified as an elector under the provisions of this article shall vote at any State, county or municipal election, general, local or special, held subsequent to the general election in 1902; but the provisions of this article shall not apply to any election held prior to the general election in 1902.

## SECTION NINE.

Was read at length as follows:

Sec. 9.—Any elector whose right to vote shall be challenged for any legal cause before an election officer shall be required to swear or affirm that the matter of the challenge is untrue before his vote shall be received, and any one who wilfully swears or affirms falsely there-to shall be guilty of perjury.

Mr. Sanford offered the following amendment to Section 9:

Amend Section 9 by adding at the end of said Section the following, viz.:

The name of each elector whose ballot has been received, must immediately be taken down by the clerks of election on separate lists, which shall be headed "Names of Voters" and called poll lists; and the number of the order in which each elector votes must be at the same time entered by the clerks against his name.

On motion of Mr. deGraffenried the amendment offered by Mr. Sanford was laid upon the table.

Mr. Sanford offered the following amendment to Section 9:

Amend Section 9 by adding at the end of said section the following, viz.:

The name of each elector whose ballot has been received must immediately be taken down by the clerks of election on separate lists, which shall be headed "Names of Voters," and called poll lists; and the number of the order in which each elector votes must at the same time be entered by the clerks against his name; and the vote shall be numbered as the name of the voter is numbered.

Mr. O'Neal, of Lauderdale, moved to refer the amendment of Mr. Sanford to the Committee on Suffrage and Elections.

Mr. deGraffenried moved to table the motion of Mr. O'Neal, of Lauderdale.

The motion prevailed.

Mr. deGraffenried moved to table the amendment offered by Mr. Sanford.

The motion prevailed, and the amendment was laid upon the table.

Mr. Robinson moved to strike out Section 9.

On motion of Mr. Kirkland, the motion of Mr. Robinson was laid upon the table.

On motion of Mr. Coleman, of Greene, Section 9 was adopted.

#### SECTION TEN.

Was taken up, and on motion of Mr. Fitts was ordered considered by subdivisions.

#### ADJOURNMENT.

On motion of Mr. Coleman, of Greene, the Convention adjourned until 9 o'clock to-morrow morning.

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### SIXTIETH DAY.

#### CONVENTION HALL.

Montgomery, Ala., Thursday, August 1, 1901.

The Convention met pursuant to adjournment.

Prayer was offered by Rev. Mr. Lamar of the city.

#### ROLL CALL.

On a call of the roll of the Convention, the following delegates answered to their names, which constituted a quorum :

Messrs. President,  
Almon,  
Altman,  
Ashcraft,  
Barefield,  
Bartlett,  
Beavers,

Beddow,  
Bethune,  
Blackwell,  
Boone,  
Brooks,  
Browne,  
Bulger,

Burnett,  
Burns,  
Byars,  
Cardon,  
Carmichael (Colbert),  
Carmichael (Coffee),  
Carnathon,  
Chapman,  
Cobb,  
Cofer,  
Coleman (Greene),  
Coleman (Walker),  
Cornwell,  
Craig,  
Cunningham,  
Davis (Etowah),  
Dent,  
deGraffenried,  
Duke,  
Eley,  
Eyster,  
Ferguson,  
Fitts,  
Fletcher,  
Foshee,  
Foster,  
Glover,  
Graham (Montgomery),  
Graham (Talladega),  
Grant,  
Grayson,  
Greer (Calhoun),  
Greer (Perry),  
Haley,  
Handley,  
Harrison,  
Heflin (Chambers),  
Heflin (Randolph),  
Henderson,  
Hinson,  
Hodges,

Hood,  
Howell,  
Howze,  
Inge,  
Jackson,  
Jenkins,  
Jones (Bibb),  
Jones (Hale),  
Jones (Montgomery),  
Jones (Wilcox),  
Kirk,  
Kirkland,  
Knight,  
Kyle,  
Ledbetter,  
Leigh,  
Lomax,  
Long (Butler),  
Long (Walker),  
Lowe (Jefferson),  
Lowe (Lawrence),  
Macdonald,  
McMillan (Baldwin),  
McMillan (Wilcox),  
Malone,  
Martin,  
Maxwell,  
Merrill,  
Miller (Marengo),  
Miller (Wilcox),  
Moody,  
Morrisette,  
Murphree,  
NeSmith,  
Norman,  
Oates,  
Palmer,  
Parker (Cullman),  
Parker (Elmore),  
Pearce,  
Pettus,

Phillips,  
 Pillans,  
 Pitts,  
 Porter,  
 Proctor,  
 Reese,  
 Renfro,  
 Reynolds (Chilton),  
 Reynolds (Henry),  
 Robinson,  
 Rogers (Lowndes),  
 Rogers (Sumter),  
 Samford,  
 Sanford,  
 Searcy,  
 Selheimer,  
 Sloan,  
 Smith (Mobile),  
 Smith, Mac. A.,

Smith, Morgan M.,  
 Sollie,  
 Sorrell,  
 Spears,  
 Tayloe,  
 Thompson,  
 Vaughan,  
 Waddell,  
 Walker,  
 Watts,  
 Weakley,  
 White,  
 Whiteside,  
 Willett,  
 Williams (Barbour),  
 Williams (Marengo),  
 Williams (Elmore),  
 Wilson (Clarke).  
 Winn—134.

#### LEAVE OF ABSENCE

Was granted to Messrs. Proctor indefinitely, and to Mr. Hassan, door keeper, for to-morrow and Saturday; deGraffenried for to-morrow, Saturday and Monday; Norwood to-day; Gilmore for to-day, Friday and Saturday; Ferguson for to-day and to-morrow; Judge Coleman for to-day and until Tuesday; Grayson for to-morrow and Saturday.

#### REPORT OF COMMITTEE ON THE JOURNAL.

The chairman of the Committee on the Journal submitted the following report, which was concurred in:

The Committee on the Journal beg leave to report that they have examined the Journal for the fifty-ninth day of the Convention and that the same is correct.

Respectfully submitted,

JOHN F. PROCTOR, *Chairman.*

RESOLUTIONS ON FIRST READING.

The following resolutions were introduced, severally read one time at length, and referred to appropriate committees, as follows:

Resolution 281, by Mr. Chapman:

Whereas, the work of this Convention has progressed to such an extent that the early completion of its labor may be confidently looked forward to;

Therefore, be it resolved, That the Committee on Rules be directed to ascertain and report to the Convention as early a date as practicable when a day may be fixed for the final adjournment of this Convention.

The resolution was referred to the Committee on Rules.

Resolution 282, by Mr. Williams, of Elmore:

In order that the full and complete text, report and proceedings of this Convention may be had by each and every member of this Convention, and by the State authorities, as hereto provided;

Be it resolved by this Convention that the Secretary hereof be required to furnish to the printers of the "Official Reports of the Proceedings of the Constitutional Convention of Alabama" the proceedings of the first, second and third days of this Convention, and order 1,000 copies thereof to be printed in like form and size as the stenographic reports, and to be likewise distributed.

The resolution was referred to the Committee on Rules.

By unanimous consent Mr. Heflin, of Randolph, chairman, submitted the following report from the Committee on Schedule Printing and Incidental Expenses, which was read one time, laid on the table and 300 copies of the same ordered printed.

REPORT OF THE COMMITTEE ON SCHEDULE PRINTING AND INCIDENTAL EXPENSES.

The Committee on Schedule, Printing and Incidental Expenses instructs me to report resolution No. 188,

with a substitute, which substitute the committee recommends be adopted.

JOHN T. HEFLIN, *Chairman*.

Resolution 188, by Mr. Carmichael, of Coffee:

Be it resolved, That the Secretary of State is hereby authorized and instructed to contract for the printing and binding of 1,000 copies of the Journal of this Convention.

Be it further resolved, That the printing and binding shall be done in the same manner and under the same law as that of the House and Senate Journals, and that the printing and binding shall be paid for out of the State appropriation for printing and binding.

The resolution was referred to the Committee on Schedule, Printing and Incidental Expenses.

Resolution . . ., by Mr. Carmichael, of Coffee:

Substitute for resolution 188:

A resolution to provide for the printing, binding and distribution of the Journal of this Convention.

Be it resolved by the people of Alabama in Convention assembled, That the Committee on Printing, Schedule and Incidental Expenses be authorized to contract for the printing, binding and distribution of 1,000 copies of the Journal of this Convention.

Be it further resolved, That upon the delivery of 1,000 copies of the Journal, printed and bound in accordance with the contract heretofore mentioned, to the Secretary of State, he shall certify to the Auditor the amount due to the publisher for the work, and the Auditor shall issue his warrant on the Treasurer in favor of the publisher for the said amount due.

Be it further resolved, That one copy of the Journal of this Convention be delivered to each delegate and officer of the Convention, and to the persons to whom, under the existing law, the Journals of the House and Senate are delivered.

Be it further resolved, That the sum of \$2,000, or so much thereof as may be necessary, be appropriated out of the moneys of the State otherwise unappropriated to pay for the printing, binding and distribution of the Journal of this Convention.

## STENOGRAPHIC REPORT.

Messrs. Sanford, Sollie, Leigh, White, Dent and Beddow called the attention of the Convention to certain errors in the stenographic report of the proceedings of yesterday. Mr. deGraffenried also called the attention of the Convention to certain errors in the report of last Monday.

The reports were ordered corrected.

## QUESTION OF PERSONAL PRIVILEGE.

Mr. Beddow arose to a question of personal privilege, and proceeded to state his question of personal privilege.

## PRIVILEGES OF THE FLOOR.

Were extended to Hons. John B. Wood, W. J. Hilliard, Van Hually, H. Buners, J. R. Wood.

## RECONSIDERATION.

Mr. White moved to reconsider the vote by which Section 8 was adopted.

The motion prevailed, and Section 8 was reconsidered.

Mr. White offered the following substitute for Section 8:

Sec. 8. No person, not registered and qualified as an elector under the provisions of this article, shall vote at the general election in 1902, or at any subsequent State, county or municipal election, general, local or special; but the provisions of this article shall not apply to any election held prior to the general election in 1902.

The substitute offered by Mr. White was adopted.

Section 8, as amended, was thereupon adopted.

## REPORT OF THE COMMITTEE ON SUFFRAGE AND ELECTIONS.

Mr. White, acting chairman of the Committee on Suffrage and Elections, submitted the following substitute



to Section 5, subdivision 1, said subdivision having been heretofore recommitted to the committee:

First—Those who, unless prevented by physical disability, can read and write any article of the Constitution of the United States in the English language, and who, being physically able to work, have worked or been regularly engaged in some lawful employment, business or occupation, trade or calling, for the greater part of the twelve months next preceding the time they offer to register.

Mr. Robinson offered the following amendment to the substitute:

“Provided, that persons who can neither read nor write on account of physical disability shall be allowed to register and vote if otherwise qualified as provided in this subdivision or.”

The amendment to the substitute offered by Mr. Robinson was adopted.

Mr. Long of Walker offered the following substitute for Section 5:

Sec. 5. The General Assembly shall provide by law for the registration of all male persons becoming of age, and all male persons who become citizens of Alabama on and after the first of January, 1903; provided, any law for registration made by the General Assembly shall require all applicants for registration after January 1st, 1903, to be eligible to register under all the requirements made by Section 2 of this article; provided, the General Assembly may make, by law, to become operative after January 1st, 1903, such other provisions for registering and voting not in conflict with this Constitution.

On motion of Mr. Vaughan the substitute was laid upon the table.

Yeas, 94; nays, 35.

YEAS.

Messrs. President,  
Altman,  
Ashcraft,

Banks,  
Barefield,  
Bethune,

Blackwell,  
Boone,  
Brooks,  
Burnett,  
Carmichael (Colbert),  
Carnathon,  
Chapman,  
Cobb,  
Coleman (Greene),  
Coleman (Walker),  
Cornwell,  
Cunningham,  
Dent,  
deGraffenried,  
Duke,  
Eley,  
Eyster,  
Fletcher,  
Foster,  
Glover,  
Graham (Montgomery),  
Graham (Talladega),  
Grant,  
Grayson,  
Greer (Perry),  
Handley,  
Heflin (Chambers),  
Heflin (Randolph),  
Henderson,  
Hinson,  
Hood,  
Howze,  
Inge,  
Jackson,  
Jenkins,  
Jones (Hale),  
Jones (Montgomery),  
Jones (Wilcox),  
Knight,  
Kyle,  
Ledbetter,

Lomax,  
Macdonald,  
McMillan (Baldwin),  
McMillan (Wilcox),  
Malone,  
Maxwell,  
Merrill,  
Miller (Marengo),  
Miller (Wilcox),  
Morrisette,  
NeSmith,  
Norwood,  
Oates,  
O'Neal (Lauderdale),  
O'Rear,  
Palmer,  
Parker (Cullman),  
Pearce,  
Pettus,  
Pillans,  
Pitts,  
Reese,  
Renfro,  
Rogers (Lowndes),  
Rogers (Sumter),  
Samford,  
Sanders,  
Searcy,  
Selheimer,  
Smith (Mobile),  
Smith, Morgan M.,  
Spragins,  
Tayloe,  
Vaughan,  
Waddell,  
Walker,  
Watts,  
Weakley,  
Weatherly,  
Willett,  
Willett,

Williams (Barbour),  
Williams (Marengo),  
Wilson (Clarke),

Wilson (Washington),  
Winn—94.

## NAYS.

Messrs. Beavers,  
Beddow,  
Bulger,  
Byars,  
Cardon,  
Davis (Etowah),  
Foshee,  
Haley,  
Hodges,  
Howell,  
Jones (Bibb),  
Kirk,  
Kirkland,  
Leigh,  
Long (Butler),  
Long (Walker),  
Lowe (Jefferson),  
Lowe (Lawrence),

Martin,  
Moody,  
Murphree,  
O'Neill (Jefferson),  
Parker (Elmore),  
Phillips,  
Porter,  
Reynolds (Chilton),  
Robinson,  
Sanford,  
Smith, Mac. A.,  
Sollie,  
Sorrell,  
Spears,  
Thompson,  
Whiteside,  
Williams (Elmore)—35.

## PAIRS ANNOUNCED.

The following pairs were announced:

Messrs. Burns, Bartlett, Stewart and Cofer, Craig, Freeman, Greer of Calhoun, and Sloan. Messrs. Burns, Stewart, Craig and Greer of Calhoun, would vote aye; and Messrs. Bartlett, Cofer, Freeman and Sloan would vote nay.

On motion of Mr. White Section 5, as amended, was adopted.

## SECTION TEN.

Was taken up and ordered considered by subdivisions.

The first paragraph of Section 10 was read at length as follows:

Sec. 10.—The General Assembly shall provide by law for the registration, after the first day of January, 1903, of all qualified electors. Until the first day of January, 1903, all electors shall be registered under and in accordance with the requirements of this Section as follows:

Mr. Reese offered the following amendment to the first paragraph of Section 10:

By adding after the word "electors" in second line, the words: "Except bastards, who shall not be registered, unless their disability of illegitimacy shall have first been removed by the Legislature."

On motion of Mr. Coleman, of Greene, the amendment was laid upon the table.

On motion of Mr. Coleman, of Greene, the first paragraph of Section 10 was adopted.

#### RECONSIDERATION.

Mr. Burns gave notice that on to-morrow he would move to reconsider the vote by which the first paragraph of Section 10 was adopted.

#### FIRST SUBDIVISION.

Was read at length as follows:

First—Registration shall be conducted in each county by a board of three reputable and suitable persons resident in the county, who shall not hold any elective office during their term, to be appointed within sixty days after the ratification of this Constitution by the Governor, Auditor and Commissioner of Agriculture and Industries, or a majority of them, acting as a Board of Appointment. If one or more of the persons appointed on such Board of Registration shall refuse, neglect or be unable to qualify or serve, or a vacancy or vacancies occur in the membership of the Board of Registrars from any cause, the Governor, Auditor and Commissioner of Agriculture and Industries or a majority of them acting as a Board of Appointment, shall make other appointments to fill such Board. Each registrar

shall receive \$2 per day, to be paid by the State, and disbursed by the several Probate Judges; for each entire day's attendance upon the sessions of the Board.

Before entering upon the performance of the duties of his office, each registrar shall take the same oath required of the judicial officers of the State, which oath may be administered by any person authorized by law to administer oaths. The oath shall be in writing and subscribed by the registrar and filed in the office of the Probate Judge of the county.

Mr. Oates offered the following amendment to subdivision 1 of Section 10:

Amend Section 10, first subdivision, in line two, insert between the words "persons" and "resident" the following: "Not more than two of whom shall be of the same political party."

Mr. O'Neal, of Lauderdale, moved to table the amendment offered by Mr. Oates.

The motion prevailed, and the amendment was laid upon the table: Yeas, 73; nays, 50.

#### YEAS.

Messrs. President.	Evster,
Almon.	Fletcher,
Altman,	Foster,
Ashcraft,	Glover.
Barefield,	Graham (Talladega),
Bethune,	Grant,
Boone,	Greer (Perry),
Brooks,	Haley,
Bulger,	Heflin (Chambers),
Burns,	Hedges,
Carmichael (Coffee),	Hood,
Carnathon,	Howze,
Cobb,	Inge.
Coleman (Greene),	Jones (Bibb),
Coleman (Walker),	Jones (Wilcox),
Cunningham,	Knight.
Duke,	Ledbetter.
Eley,	Lowe (Lawrence),

McMillan (Wilcox),  
Malone,  
Maxwell,  
Merrill,  
Miller (Wilcox),  
Moody,  
Morrisette,  
NeSmith,  
O'Neal (Lauderdale),  
O'Neill (Jefferson),  
O'Rear,  
Parker (Cullman),  
Pettus,  
Pillans,  
Pitts,  
Reese,  
Renfro,  
Reynolds (Henry),  
Robinson,

Rogers (Lowndes),  
Sanders,  
Searcy,  
Smith (Mobile),  
Sorrell,  
Spragins,  
Tayloe,  
Vaughan,  
Waddell,  
Walker,  
Watts,  
Weatherly,  
Whiteside,  
Williams (Barbour),  
Williams (Marengo),  
Wilson (Clarke),  
Wilson (Washington),  
Winn—73.

NAYS.

Messrs. Banks,  
Beavers,  
Beddow,  
Blackwell,  
Burnett,  
Byars,  
Cardon,  
Carmichael (Colbert),  
Davis (Etowah),  
Dent,  
deGraffenried,  
Fitts,  
Graham (Montgomery),  
Grayson,  
Handley,  
Harrison,  
Heflin (Randolph),  
Henderson,  
Howell,

Jackson,  
Jenkins,  
Jones (Montgomery),  
Kirk,  
Kirkland,  
Kyle,  
Leigh,  
Lomax,  
Long (Butler),  
Long (Walker),  
McMillan (Baldwin),  
Martin,  
Miller (Marengo),  
Murphree,  
Norwood,  
Oates,  
Palmer,  
Parker (Elmore),  
Pearce,

Phillips,  
Reynolds (Chilton);  
Rogers (Sumter),  
Samford,  
Sanford,  
Selheimer,

Smith, Mac. A.,  
Smith, Morgan M.,  
Spears,  
Thompson,  
White,  
Williams (Elmore)—50.

#### PAIRS ANNOUNCED.

The following pairs were announced :

Messrs. Craig, Freeman, Macdonald, Foshee, Browne, Porter, Greer of Calhoun, Sloan, Cornwall, Weakley, Stewart and Cofer. Messrs. Craig, Macdonald, Browne, Greer of Calhoun, Cornwall and Stewart would vote aye; and Messrs. Freeman, Foshee, Porter, Sloan, Weakley, Cofer would vote nay.

Subdivision 1 was, on motion of Mr. White, adopted.

#### SUBDIVISION TWO.

Was read at length as follows :

Second—Prior to the first day of August, 1902, the Board of Registrars in each county shall visit each precinct at least once and oftener if necessary to make a complete registration of all persons entitled to register, and remain there at least one day from 8 o'clock in the morning until sunset. They shall give at least twenty days' notice of the time when, and the place in the precinct where they will attend to register applicants for registration, by bills posted at five or more public places in each election precinct, and by advertisement in a newspaper, if there be one published in the county, once a week for three successive weeks. Upon failure to give such notice, or to attend any appointment made by them in any precinct, they shall, after like notice, fill new appointments therein; but the time consumed by the board in completing such registration shall not exceed sixty working days in any county, except that in counties in which there is any city of 8,000 inhabitants or over, the board may remain in session, in addition to the session hereinabove prescribed, for not more than

three successive weeks in each of said cities; and thereafter the board may sit from time to time in each of such cities not more than one week in each month, and except that in the county of Jefferson the board may hold additional sessions, of not exceeding five consecutive days duration for each session, in any town or city of 1,000 or more, and less than 8,000 inhabitants. No person shall be registered except at the county site, or in the precinct at which he resides. The registrars shall issue to each person registered a certificate of registration.

Mr. Foster offered the following amendment, which was unanimously accepted:

Amend subdivision 2 of Section 10 by adding after the word "county" in line twenty-sixth, the following: "Except that in counties of more than 1,000 square miles in area such boards may consume 75 working days in completing the registration in such counties, and."

Mr. Fitts offered the following amendment to subdivision 2 of Section 5:

Amend second paragraph subdivision, Section 10, by striking out the word "once" in seventeenth line and inserting the word "twice" and striking out in line eighteen the words "one day," inserting the words "two days."

On motion of Mr. Hood the amendment of Mr. Fitts was laid upon the table.

Mr. Williams, of Marengo, offered the following amendment to subdivision 2:

Amend subdivision 2 as amended by Mr. Foster by striking out "one thousand" and inserting "nine hundred."

By unanimous consent the amendment of Mr. Williams, of Marengo, was adopted.

Mr. Hood offered the following amendment to subdivision 2:

Amend second subdivision, Section 10, by striking out "60" and inserting in lieu thereof "70."

Mr. Long, of Walker, offered the following amendment to the amendment offered by Mr. Hood:



Amend second paragraph of Section 10, in line thirty after the word "Jefferson" by adding the following words: "And in all counties in this State, the Registrars shall spend two days in each beat in the county."

"Provided, all voters have not made application for registration during the first day."

On motion of Mr. O'Neal, of Lauderdale, the amendment of Mr. Long, of Walker, was laid upon the table.

The question recurred upon the adoption of the amendment offered by Mr. Hood.

The amendment of Mr. Hood was lost.

On motion of Mr. White, subdivision 2 of Section 10 was adopted.

#### RECESS.

The hour of 1 o'clock p. m. arrived, and under the rules the Convention recessed until 3:30 this afternoon.

#### AFTERNOON SESSION.

The Convention met pursuant to adjournment.

#### ROLL CALL.

On a call of the roll of the Convention the following delegates answered to their names, which constitute a quorum:

Messrs. President,  
Almon,  
Altman,  
Ashcraft,  
Banks,  
Barefield,  
Beavers,  
Beddow,  
Bethune,  
Blackwell,  
Boone,  
Brooks,  
Browne,

Bulger,  
Burnett,  
Burns,  
Byars,  
Cardon,  
Carmichael (Colbert),  
Carmichael (Coffee),  
Carnathon,  
Chapman,  
Cobb,  
Cofer,  
Coleman (Greene),  
Coleman (Walker),

Craig,  
Cunningham,  
Davis (DeKalb),  
Davis, (Etowah),  
Dent,  
deGraffenried,  
Duke,  
Eley,  
Eyster,  
Fitts,  
Fletcher,  
Foshee,  
Foster,  
Freeman,  
Gilmore,  
Glover,  
Graham (Montgomery),  
Graham (Talladega),  
Grant,  
Grayson,  
Greer (Calhoun),  
Greer (Perry),  
Haley,  
Handley,  
Harrison,  
Heflin (Chambers),  
Heflin (Randolph),  
Henderson,  
Hinson,  
Hodges,  
Hood,  
Howell,  
Howze,  
Inge,  
Jackson,  
Jenkins,  
Jones (Bibb),  
Jones (Hale),  
Jones (Montgomery),  
Jones (Wilcox),  
Kirk,

Kirkland,  
Knight,  
Kyle,  
Ledbetter,  
Leigh,  
Lomax,  
Long (Butler),  
Long (Walker),  
Lowe (Jefferson),  
Lowe (Lawrence),  
Macdonald,  
McMillan (Baldwin),  
McMillan (Wilcox),  
Malone,  
Martin,  
Maxwell,  
Merrill,  
Miller (Marengo),  
Miller (Wilcox),  
Moody,  
Morrisette,  
Mulkey,  
Murphree,  
NeSmith,  
Norman,  
Norwood,  
Oates,  
O'Neal (Lauderdale),  
O'Neill (Jefferson),  
Opp,  
O'Rear,  
Palmer,  
Parker (Cullman),  
Parker (Elmore),  
Pearce,  
Pettus,  
Pillans,  
Pitts,  
Reese,  
Renfro,  
Reynolds (Chilton),

Reynolds (Henry),  
Robinson,  
Rogers (Lowndes),  
Rogers (Sumter),  
Samford,  
Sanders,  
Sanford,  
Searcy,  
Selheimer,  
Sentell,  
Sloan,  
Smith (Mobile),  
Smith, Mac. A.,  
Smith, Morgan M.,  
Sollie,  
Sorrell,  
Spears.  
Spragins,

Stewart,  
Thompson,  
Vaughan,  
Waddell,  
Walker,  
Watts,  
Weakley,  
Weatherly,  
White,  
Whiteside,  
Willetts,  
Williams (Barbour),  
Williams (Marengo),  
Williams (Elmore),  
Wilson (Clarke),  
Wilson (Washington).  
Winn—143.

#### UNFINISHED BUSINESS.

The Convention proceeded to the consideration of the unfinished business, which was the report of the Committee on Suffrage and Elections.

#### SUBDIVISION THREE.

Was read at length as follows:

Third—The Board of Registrars shall register no person between the first day of August, 1902, and the Friday next preceding the day of election in November, 1902. On Friday and Saturday next preceding the day of election in November, 1902, they shall sit in the court house of each county during such days, and shall register all applicants having the qualifications prescribed by Sections 2 and 4 of this article, and not disqualified under Sec. 6, who shall have reached the age of twenty-one years after the first day of August, 1902, or who shall prove to the reasonable satisfaction of the board that, by reason of physical disability or unavoidable absence from the county, they had not opportunity to register prior to the first day of August, 1902; and shall on such days register no other persons. When there are

two or more court houses in one county, the registrars may sit during such two days at either of such court houses they may select, but shall give ten days' notice by bills posted at each of the other court houses, designating the court house at which they will so sit.

By unanimous consent the words "and four" were inserted after the word sections.

On motion of Mr. White subdivision 3 was adopted.

#### SUBDIVISION FOUR.

Was read at length as follows:

Fourth—The Board of Registrars shall hold sessions at the court house of their respective counties during the entire third week in November, 1902, and for six working days next prior to the twentieth day of December, 1902, during which sessions they shall register all persons applying who possess the qualifications prescribed in Sections 2 and 4, and who shall not be disqualified under Section 6 of this article. In counties where there are two or more court houses, the Board of Registrars may elect at which court house they will hold such session. The Board of Registrars shall give notice of the time and place of such sessions by posting notices at each court house in their respective counties, and at each voting place and at three other public places in the county, and by publication once a week for two consecutive weeks in a newspaper, if one be published in the county; such notices to be published and such publications to be commenced as early as practicable in the first week in November, 1902; provided, that a failure on the part of the registrars to conform to the provisions of this section as to notices to be given shall not invalidate any registration made by them.

Mr. Sorrell offered the following amendment to subdivision 4:

Amend Section 10, paragraph 4 in lines 53 and 54 by striking out after the words "registrars may elect at which court house they will hold such session," and by adding the words "shall divide the time equally between each court house."

On motion of Mr. White the amendment offered by Mr. Sorrell was laid upon the table.

Mr. Howze offered the following amendment to subdivision 4:

Amend by striking out the words "may elect at which court house they will hold such sessions" in the 53 line, and insert the words "shall divide the time equally between them."

The amendment was adopted.

Subdivision 4 was, on motion of Mr. White, as amended, adopted.

#### SUBDIVISION FIVE.

Was read at length as follows, and adopted:

Fifth—The Board of Registrars shall have power to examine, under oath or affirmation, all applicants for registration, and to take testimony touching the qualifications of such applicants; each member of such board is authorized to administer the oath to be taken by the applicants and witnesses, which shall be in the following form, and subscribed by the person making it, and preserved by the board, namely:

"I solemnly swear (or affirm) that in the matter of the application of ..... for registration as an elector, I will speak the truth, the whole truth, and nothing but the truth, so help me God."

Any person, who, upon such examination, makes any wilfully false statement in reference to any material matter touching the qualification of any applicant for registration shall be guilty of perjury.

#### SUBDIVISION SIX.

Was read at length as follows:

Sixth—The action of the majority of the Board of Registrars shall be the action of the board. Any person denied registration shall have the right to appeal, within thirty days after such denial, by filing a petition in the Circuit Court or court of like jurisdiction held for the county in which he seeks to vote, to have his

qualifications as an elector determined. Upon filing the petition the clerk of the court shall give notice thereof to any Solicitor authorized to represent the State in said county, whose duty it shall be to appear and defend against the petition on behalf of the State. Upon such trial, the court shall charge the jury only as to what constituted the qualifications that entitled the applicant to become an elector at the time he applied for registration, and the jury shall determine the weight and effect of the evidence and return a verdict. From the judgment rendered an appeal will lie to the Supreme Court in favor of the petitioner, to be taken within thirty days. Final judgment in favor of the petitioner shall entitle him to registration as of the date of his application to the registrars.

Mr. White offered the following amendment to subdivision 6, which was adopted:

Amend subdivision 6, Section 10, by inserting after the word "appeal" in 74th line, the following: "Without giving security for cost."

Mr. Oates offered the following amendment to subdivision 6:

Amend subdivision 6 of Section 10, in line 80, by striking out the word "only."

On motion of Mr. Smith, of Mobile, the amendment offered by Mr. Oates was laid upon the table.

Subdivision 6 was, on motion of Mr. White, as amended, adopted.

#### SUBDIVISION SEVEN.

Was read at length as follows:

Seventh—The Secretary of State shall, at the expense of the State, have prepared and furnished to the registrars and Probate Judges in the several counties, a sufficient number of registration books, and of blank forms of certificates of registration and of oaths and of the notices required to be given by the registrars. The cost of the publication in newspapers of the notices required to be given by the registrars shall be paid by the State,

the bills therefor to be rendered to the Secretary of State, and approved by him.

Mr. Sloan offered the following amendment to subdivision 7, of Section 10:

Amend Section 10, seventh subdivision, by adding at the end of the seventh subdivision the following:

Said Registration Board for each county shall be composed of one registrar from three different duly organized political parties as far as practicable, to be appointed on the recommendation of the County Commission on its own responsibility."

If any County Committee fails, after thirty days' time, to recommend some person for appointment, then the board of appointment shall make the appointment on its own responsibility.

On motion of Mr. Chapman, the amendment was laid upon the table.

On motion of Mr. White, subdivision 7 was adopted.

Mr. White, acting chairman of the Committee on Suffrage and Elections, submitted the following, to constitute a new subdivision, to Section 10:

Eighth—Any elector who registers for another, or who registers more than once, and any registrar who enters the name of any elector on the list of registered voters, without such elector having made application in person, under oath on a form provided for that purpose, or who knowingly registers any person, more than once, or who knowingly enters a name upon the registration list as the name of a voter without anyone of that name applying to register, shall be guilty of a felony.

On motion of Mr. White subdivision 8 was adopted.

On motion of Mr. White Section 10 as amended, was thereupon adopted.

#### SECTION ELEVEN.

Was read at length as follows:

Sec. 11.—The Board of Registrars in each county shall, on or before the first day of February, 1903, file in the Probate Court of their county a complete list, sworn to by them, of all persons registered in their county, with the precinct or ward in which each of such persons reside set opposite the names of such persons,

and shall also file a like list in the office of the Secretary of State. The Judge of Probate shall on or before the first day of March, 1903, cause to be made from such list in duplicate, in the books furnished by the Secretary of State, an alphabetical list by precincts of the persons shown by the list of the registrars to have been registered in the county, and shall file one of such alphabetical lists in the office of Secretary of State; for which services by the Probate Judges compensation shall be provided by the General Assembly. The Judges of Probate shall keep both the original list filed by the registrars and the alphabetical list made therefrom as records in the Probate Court of the county.

Unless he shall become disqualified under the provisions of this article, any one who shall register prior to the first day of January, 1903, shall remain an elector during life, and shall be required to register only in case of a change of residence, on production of his certificate. The certificate of the registrar or of the Probate Judges or of the Secretary of State shall be sufficient evidence to establish the fact of such life registration. Such certificate shall be issued free of charge to the elector, and the General Assembly shall provide by law for the renewal of such certificates when lost, mutilated or destroyed.

Mr. Spragins offered the following amendment to Section 11:

To amend Section 11 by adding after the word "county" in the third line, the following words: "Showing the age of such persons so registered."

The amendment was unanimously adopted.

Mr. Davis, of Etowah, offered the following amendment to Section 11, which was unanimously adopted:

Amend Section 11 by inserting in line two, after "1903," the following: "or as soon thereafter as is practicable," and in line six after "1903" the words "or as soon thereafter as practicable."

On motion of Mr. White, Section 11, as amended, was adopted.



## SECTION TWELVE.

Was read at length as follows:

Sec. 12.—From and after the first day of January, 1903, any applicant for registration may be required to state under oath, to be administered by the registrar or by any person authorized by law to administer oaths, where he lived during the five years next preceding the time at which he applies to register, and the name or names that he was known by during that period, and the names of his employer or employers, if any, during such period. Any applicant for registration who refuses to state such facts, or any of them, shall not be entitled to register, and any person so offering to register who wilfully makes a false statement in regard to such matters or any of them, shall be guilty of perjury.

Mr. Lomax offered the following amendment to Section 12:

The Legislature shall, by law, provide for purging the registration lists of names illegally registered, and of those who may die, become insane, convicted of crime, or otherwise disqualified as an elector under the provisions of this Constitution.

Mr. Reese moved to table the amendment offered by Mr. Lomax.

The motion to table was lost.

Mr. Reese moved to recommit the Section (12) to the Committee on Suffrage and Elections.

On motion of Mr. Graham, of Talladega, the motion to recommit was laid upon the table.

Mr. Thompson offered the following substitute for the amendment offered by Mr. Lomax:

Amend Section 12 by adding at the end thereof the following:

The Circuit Courts or courts of like jurisdiction shall have the authority to strike from the roll of registered electors the name of any person not legally on such roll, upon the application of any qualified elector, when it is shown to the reasonable satisfaction of such court that the name of such person was illegally on such roll; and a trial by jury may be had upon the demand of

either the applicant or the elector, such trial to be without cost to either party to such trial.

On motion of Mr. Thompson the Section (12), together with the pending amendments, were recommitted to the Committee on Suffrage and Elections.

#### SECTION THIRTEEN.

Was read at length as follows, and adopted:

Sec. 13.—In the trial of any contested election, and in proceedings to investigate any election, no person other than a defendant shall be allowed to withhold his testimony on the ground that he may incriminate himself or subject himself to public infamy; but such person shall not be prosecuted for any offense arising out of the transaction concerning which he testified, but may be prosecuted for perjury committed on such examination.

#### SECTION FOURTEEN.

Was read at length as follows:

Sec. 14.—The General Assembly shall pass laws not inconsistent with this Constitution to regulate and govern elections, and all such laws shall be uniform throughout the State; and shall provide by law for the manner of holding elections and of ascertaining the result of the same, and shall provide general registration laws not inconsistent with the provisions of this article, for the registration of all qualified electors from and after the first day of January, 1903. The General Assembly shall also make provisions by law, not inconsistent with this article, for the regulation of primary elections, and for punishing frauds at the same, but shall not make primary elections compulsory.

On motion of Mr. White Section 14 was passed temporarily, until the Committee on Suffrage and Elections reported Section 12.

## SECTION FIFTEEN.

Was read at length as follows, and adopted :

Sec. 15.—It shall be the duty of the General Assembly to pass adequate laws giving protection against the evils arising from the use of intoxicating liquors at all elections.

## SECTION SIXTEEN.

Was read at length as follows, and adopted :

Sec. 16.—Electors shall in all cases, except treason, felony or breach of the peace, be privileged from arrest during their attendance at elections, or while going to or returning therefrom.

## SECTION SEVENTEEN.

Was read at length as follows, and adopted :

Sec. 17.—Returns of elections for all civil officers who are to be commissioned by the Governor, except Secretary of State, Auditor, Treasurer, Commissioner of Agriculture and Industries, Attorney General and Superintendent of Education, and for the members of the General Assembly, shall be made by the Secretary of State.

## SECTION EIGHTEEN.

Was read at length as follows :

Sec. 18.—The poll tax mentioned in this article shall be \$1.50 upon each male inhabitant of the State, over the age of twenty-one years, and under the age of forty-five years, who would not now be exempt by law. Such poll tax shall become due and payable on the first day of October in each year and become delinquent on the first day of the next succeeding February, but no legal process nor any fee or commission shall be allowed for the collection thereof. The Tax Collector shall make returns for poll tax collections separate from other collections.

Mr. Samford offered the following amendment to Section 18:

Amend by striking out in Section 18 all before the word "poll" in the third line.

On motion of Mr. Weatherly, the amendment offered by Mr. Samford was laid upon the table.

Mr. Reese offered the following amendment to Section 18:

Strike out in second line "75" and insert "60."

Mr. Carmichael, of Colbert, offered the following amendment to the amendment offered by Mr. Reese:

Amend Section 18 by inserting after the word "law" in the third line, the following:

Provided, that those male inhabitants of the State who shall be over the age of 45 years at the ratification of this Constitution, shall never be required to pay a poll tax.

Also by striking out in Section 18 in line two the figures "45" and inserting the figures "60."

Mr. Cunningham moved to recommit Section 18, together with the pending amendments, to the Committee on Suffrage and Elections.

Mr. Long, of Walker, moved to table the motion to recommit Section 18, together with pending amendments.

The motion was lost.

The question recurred upon the motion to recommit Section 18 together with pending amendments.

The motion prevailed, and Section 18, together with the pending amendments, were recommitted to the Committee on Suffrage and Elections.

#### SECTION NINETEEN.

Was read at length as follows:

Sec. 19.—If any section of this article shall become inoperative and void by reason of the decision of any court of competent jurisdiction, the General Assembly shall have power, and it is hereby authorized to remedy the defect in such section pointed out by such adjudication, by a two-thirds vote of all the members of each

House of the General Assembly; provided, that the sections of this article uneffected by such decisions shall remain unchanged. Upon any other section becoming inoperative by any subsequent adjudication of such court, the General Assembly shall have authority to remedy the defect in like manner as hereinabove prescribed.

Mr. Walker offered the following amendment to Section 19, which was unanimously adopted:

Amend Section 19 by adding after the word "article" in the first line, the following: "Or subdivision thereof." And after the word "section" in the third line, the following: "Or subdivision." And after the word "article" in the fifth line, the following: "Or subdivision." And after the word "section" in the sixth line, the following: "Or subdivision."

Mr. Sorrell offered the following amendment to Section 19:

Amend Section 19 by adding at the end thereof the following:

Provided, that any law enacted by the General Assembly as provided for in this section, shall not become operative until ratified by a majority of the qualified electors in this State.

Mr. Sanford offered the following amendment to the amendment offered by Mr. Sorrell:

Amend by adding the words "at an election expressly held for that purpose."

#### ADJOURNMENT.

Pending the further consideration of the report of the Committee on Suffrage and Elections, the hour of 7 o'clock having arrived the Convention adjourned until to-morrow morning at 9 o'clock.

## SIXTY-FIRST DAY.

## CONVENTION HALL.

Montgomery, Ala., Friday, August 2, 1901.

The Convention met pursuant to adjournment.  
Prayer was offered by Rev. Mr. Marshall of the city.

## ROLL CALL.

On a call of the roll of the Convention the following delegates answered to their names, which constituted a quorum :

Messrs. President,	Cobb,
Almon,	Cofer,
Altman,	Coleman (Walker),
Ashcraft,	Cornwell,
Banks,	Craig,
Barefield,	Cunningham,
Bartlett,	Davis (DeKalb),
Beddow,	Davis (Etowah),
Bethune,	Dent,
Blackwell,	Duke,
Boone,	Eley,
Brooks,	Eyster,
Browne,	Ferguson,
Bulger,	Fitts,
Burnett,	Fletcher,
Burns,	Foshee,
Byars,	Foster,
Cardon,	Glover,
Carmichael (Colbert),	Graham (Montgomery),
Carmichael (Coffee),	Graham (Talladega),
Carnathon,	Grant,
Chapman,	Greer (Perry),

Haley,	NeSmith,
Handley,	Norwood,
Harrison,	Oates,
Heflin (Chambers),	O'Neal (Lauderdale),
Heflin (Randolph),	O'Neill (Jefferson),
Henderson,	Opp,
Hodges,	O'Rear,
Hood,	Palmer,
Howell,	Parker (Cullman),
Howze,	Pearce,
Inge,	Pettus,
Jenkins,	Phillips,
Jones (Bibb),	Pillans,
Jones (Hale),	Pitts,
Jones (Montgomery),	Porter,
Jones (Wilcox),	Reese,
Kirkland,	Robinson,
Knight,	Rogers (Lowndes),
Kyle,	Rogers (Sumter),
Ledbetter,	Samford,
Leigh,	Sanders,
Lomax,	Sanford,
Long (Butler),	Searcy,
Long (Walker),	Selheimer,
Lowe (Jefferson),	Sloan,
Lowe (Lawrence),	Smith (Mobile),
Macdonald,	Smith, Mac. A.
McMillan (Baldwin),	Smith, Morgan M.,
McMillan (Wilcox),	Sollie,
Malone,	Sorrell,
Martin,	Spears,
Maxwell,	Spragins,
Merrill,	Stewart,
Miller (Marengo),	Vaughan,
Miller (Wilcox),	Waddell,
Moody,	Walker,
Morrisette,	Watts,
Mulkey,	Weakley,
Murphree,	Weatherly,

White,	Williams (Marengo),
Whiteside,	Williams (Elmore),
Willett,	Wilson (Clarke),
Williams (Barbour),	Wilson (Washington) 130.

## LEAVES OF ABSENCE.

Was granted to Messrs. Henderson for Saturday and Monday; Sorrell for this afternoon and Monday; Knight for to-morrow and Monday; Williams of Elmore, to-morrow and Monday; Williams, of Barbour, Monday and Tuesday until 12 o'clock; Kirkland for Saturday and Monday; Sollie for this afternoon and Saturday; Heflin, of Randolph, for Saturday; Howze, Burnett, Norwood for Saturday and Monday; Long, of Butler, for Saturday; Bulger for this afternoon and Saturday; Vaughan for Saturday; Martin for Monday, Tuesday and Wednesday; Opp for yesterday and this evening.

## REPORT OF COMMITTEE ON THE JOURNAL.

The chairman of the Committee on the Journal submitted the following report, which was concurred in:

The Committee on the Journal beg leave to report that they have examined the Journal for the sixtieth day of the Convention, and that the same is correct.

Respectfully submitted,

JOHN F. PROCTOR, *Chairman.*

## RESOLUTIONS ON FIRST READING.

The following resolution was introduced, read one time at length, and referred to appropriate committee as follows:

Resolution 283, by Mr. Waddell:

Be it resolved that the Secretary of this Convention be and he is hereby authorized to contract with some competent person for the enrollment, on animal parchment, with India ink, the Constitution upon its adoption by this Convention.



The resolution was referred to the Committee on Engrossment.

#### STENOGRAPHIC REPORT.

Messrs. Sanford and Rogers of Sumter called the attention of the Convention to certain errors in the stenographic report of the proceedings of yesterday; and Messrs. Burns and Burnett also called the attention of the Convention to certain errors.

The report was ordered corrected.

#### QUESTION OF PERSONAL PRIVILEGE.

Mr. Sanford arose to a question of personal privilege and proceeded to state his question of personal privilege.

#### PRIVILEGES OF THE FLOOR.

On motion of Dr. Cunningham, the privileges of the floor were extended to Hon. T. Y. Huffman and ex-Senator Alexander.

#### REPORT OF STANDING COMMITTEES.

Mr. Sanford, chairman of the Committee on Engrossment, reported the following resolution adversely:

Resolution 195, by Mr. Carmichael, of Colbert:

Be it resolved that the engrossing and enrolling clerk of the Convention be and she is hereby authorized to employ such assistants as may be necessary to properly discharge the duties of her office. This resolution shall take effect on and after the 24th day of June.

Resolution 199, by Mr. Howell:

Resolved, That whatever clerical assistance may be necessary to be employed by the enrolling and engrossing clerk of this Convention, it be paid for at the rate of 15 cents per 100 words for such assistant clerical work.

The resolution was referred to the Committee on Rules.

On motion of Mr. Sanford, the above resolutions set out, were laid upon the table.

## RECESS.

On motion of Mr. Samford the Convention recessed until 10 o'clock in order to give the Committee on Suffrage and Elections time to make a report.

The hour of 10 o'clock having arrived, the Convention was called to order.

## UNFINISHED BUSINESS.

The Convention proceeded to the consideration of the unfinished business, which was the report of the Committee on Suffrage and Elections.

On motion of Mr. White, Section 12:

Sec. 12. From and after the first day of January, 1903, any applicant for registration may be required to state under oath, to be administered by the Registrar or by any person authorized by law to administer oaths, where he lived during the five years next preceding the time at which he applies to register, and the name or names that he was known by during that period, and the name of his employer or employers, if any, during such period. Any applicant for registration who refuses to state such facts, or any of them, shall not be entitled to register, and any person so offering to register, who wilfully makes a false statement in regard to such matters or any of them, shall be guilty of perjury.

Which was recommitted to the Committee on Suffrage and Elections, on yesterday, was adopted, as originally reported by the Committee on Suffrage and Elections.

## SECTION FOURTEEN.

Mr. White, acting chairman of the Committee on Suffrage and Elections, offered the following amendment to Section 14, said section having been recommitted to the committee on yesterday:

The amendment was read at length as follows:

Amendment by Committee on Suffrage and Elections:

Amend Section 14 by adding to the end of the section the following:

"The Legislature shall by law provide for purging the registration list of the names of those who die, become insane, convicted of crime or otherwise disqualified as electors under the provisions of this Constitution, and of any whose names may have been fraudulently entered on such list by the Registrars; provided, that a trial by jury may be had on the demand of any person whose name is proposed to be stricken from the list."

On motion of Mr. White the amendment was adopted.

On motion of Mr. White, Section 14, as amended, was adopted.

#### SECTION EIGHTEEN.

Mr. White, acting chairman of the Committee on Suffrage and Elections, reported the following substitute for Section 18, which was recommitted to the committee on yesterday:

The substitute reads as follows:

Substitute for Section 18, by Committee on Suffrage and Elections:

Sec. 18. The poll tax mentioned in this article shall be \$1.50 upon each male inhabitant of the State over the age of 21 years and under the age of 60 years, who would not now be exempt by law; provided, that those male inhabitants of the State who shall be of or reach the age of 45 years on or before the first day of January, 1903, shall not thereafter be required to pay a poll tax; such poll tax shall become due and payable on the first day of October in each year, and become delinquent on the first day of the next succeeding February; but no legal process or any fee or commission shall be allowed for the collection thereof. The tax collector shall make returns of poll tax collections separate from other collections. The poll tax shall be applied exclusively to the support of the public schools of the county in which it is collected.

Mr. Pitts offered the following substitute for the substitute offered by the Committee on Suffrage and Elections:

Sec. 18. The poll tax mentioned in this article shall be \$1.50 upon each male inhabitant of the State over the age of 21 years and under the age of 45 years, who would not now be exempt by law. Such poll tax shall become due and payable on the first day of October in each year, and become delinquent on the first day of the next succeeding February, but no legal process nor any fee or commission shall be allowed for the collection thereof. The tax collector shall make returns of poll tax collections separate from other collections.

Mr. Hood moved to table the substitute offered by Fitts.

The motion to table prevailed: Yeas, 67; nays, 60.

YEAS.

Messrs. President,	Jackson,
Banks,	Jenkins,
Bulger,	Jones (Wilcox),
Burnett,	Kirkland,
Burns,	Knight,
Carmichael (Coffee),	Kyle,
Carnathon,	Lomax,
Chapman,	Macdonald,
Cobb,	McMillan (Baldwin),
Coleman (Walker),	McMillan (Wilcox),
Craig,	Malone,
Cunningham,	Maxwell,
Davis (DeKalb),	Merrill,
Dent,	Miller (Wilcox),
Eley,	Morrisette,
Foster,	Murphree,
Glover,	NeSmith,
Graham (Talladega),	Norman,
Grant,	Norwood,
Greer (Perry),	Oates,
Harrison,	O'Neal (Lauderdale),
Heflin (Chambers),	Palmer,
Hinson,	Parker (Cullman),
Hood,	Pillans,
Howze,	Pitts,

Reese,  
 Rogers (Lowndes),  
 Rogers (Sumter),  
 Sanford,  
 Selheimer,  
 Smith (Mobile),  
 Spragins,  
 Stewart,  
 Tayloe,

Vaughan,  
 Waddell,  
 Walker,  
 Watts,  
 Weatherly,  
 White,  
 Williams (Barbour),  
 Winn—67.

## NAYS.

Almon,  
 Altman,  
 Ashcraft,  
 Barefield,  
 Bartlett,  
 Beavers,  
 Beddow,  
 Bethune,  
 Blackwell,  
 Boone,  
 Brooks,  
 Brown,  
 Byars,  
 Cardon,  
 Davis (Etowah),  
 Duke,  
 Fitts,  
 Fletcher,  
 Foshee,  
 Freeman,  
 Graham (Montgomery),  
 Haley,  
 Handley,  
 Heflin (Randolph),  
 Henderson,  
 Hodges,  
 Howell,  
 Inge,  
 Jones (Bibb),  
 Kirk,

Ledbetter,  
 Leigh,  
 Long (Butler),  
 Long (Walker),  
 Lowe (Jefferson),  
 Lowe (Jefferson),  
 Martin,  
 Miller (Marengo),  
 Moody,  
 O'Rear,  
 Parker (Elmore),  
 Pearce,  
 Pettus,  
 Phillips,  
 Reynolds (Chilton),  
 Robinson,  
 Sanders,  
 Sanford,  
 Sloan,  
 Smith, Mac. A.  
 Smith, Morgan M.,  
 Sollie,  
 Sorrell,  
 Spears,  
 Thompson,  
 Weakley,  
 Whiteside,  
 Williams (Marengo),  
 Wilson (Clarke),  
 Wilson (Washington)—60.

## PAIRS ANNOUNCED.

The following pairs were announced:

Messrs. Carmichael of Colbert, and Williams of Elmore, Eyster and Cofer, Coleman of Greene and Mulkey, deGraffenried and Porter. Messrs. Carmichael of Colbert, Eyster, Coleman of Greene, and deGraffenried would vote aye; and Messrs. Williams of Elmore, Cofer, Mulkey and Porter would vote nay.

Mr. Smith, of Mobile, offered the following substitute for the substitute offered by the committee:

Substitute to Section 18 of the report of the Committee on Suffrage and Elections:

By striking from the third line from the bottom the words "but no legal process nor any," and inserting before the word "fee" in the same line the word "no," and by striking out the word "thereof" in the first line on the 25th page of the Section, and adding where the word "thereof" was, the words "of any poll tax before it becomes delinquent, nor shall there be any process for its collection until April 1st thereafter."

On motion of Mr. Reese the substitute was laid upon the table.

Mr. Browne offered the following amendment to the substitute offered by the committee:

Strike out the words "over the age of 21 years and under the age of 60 years, who would not now be exempt by law, provided that those male inhabitants of the State who shall reach the age of 45 years on or before the first day of January, 1903, shall not thereafter be required to pay poll tax," and insert in lieu thereof "between the ages prescribed by law, and who would not now be exempt by law."

## RECESS.

The hour of 1 o'clock p. m. arrived, and under the rules the Convention recessed until 3.30 this afternoon.

## AFTERNOON SESSION.

The Convention met pursuant to adjournment.

## ROLL CALL.

On a call of the roll of the Convention the following delegates answered to their names, which constituted a quorum:

Messrs. President,	Eley,
Almon,	Ferguson,
Altman,	Fitts,
Ashcraft,	Fletcher,
Banks,	Foshee,
Barefield,	Foster,
Bartlett,	Gilmore,
Beddow,	Glover,
Bethune,	Graham (Montgomery),
Blackwell,	Graham (Talladega),
Boone,	Grant,
Brooks,	Greer (Perry),
Browne,	Haley,
Bulger,	Handley,
Burnett,	Harrison,
Burns,	Heflin (Chambers),
Byars,	Heflin (Randolph),
Cardon,	Henderson,
Carmichael (Colbert),	Hinson,
Carmichael (Coffee),	Hodges,
Carnathan,	Hood,
Chapman,	Howell,
Cobb,	Howze,
Coleman (Walker),	Inge,
Cornwell,	Jackson,
Craig,	Jenkins,
Cunningham,	Jones (Bibb),
Davis (DeKalb),	Jones (Hale),
Davis (Etowah),	Jones (Montgomery),
Dent,	Jones (Wilcox),
Duke,	Kirk,

Kirkland,  
Knight,  
Kyle,  
Ledbetter,  
Leigh,  
Lomax,  
Long (Butler),  
Long (Walker),  
Lowe (Jefferson),  
Lowe (Lawrence),  
Macdonald,  
McMillan (Baldwin),  
McMillan (Wilcox),  
Martin,  
Maxwell,  
Merrill,  
Miller (Marengo),  
Miller (Wilcox),  
Moody,  
Morrisette,  
Mulkey,  
Murphree,  
NeSmith,  
Norman,  
Norwood,  
Oates,  
O'Neal (Lauderdale),  
O'Neill, (Jefferson),  
Opp,  
O'Rear,  
Palmer,  
Parker (Cullman),  
Parker (Elmore),  
Pearce,  
Pettus,  
Pillans,  
Pitts,  
Reese,

Renfro,  
Reynolds (Chilton),  
Reynolds (Henry),  
Robinson,  
Rogers (Lowndes),  
Rogers (Sumter),  
Samford,  
Sauders,  
Sanford,  
Searcy,  
Selheimer,  
Sentell,  
Sloan,  
Smith (Mobile),  
Smith, Mac. A.,  
Smith, Morgan M.,  
Sollie,  
Sorrell,  
Spears,  
Spragins,  
Stewart,  
Tayloe,  
Thompson,  
Vaughan,  
Waddell,  
Walker,  
Watts,  
Weakley,  
Weatherly,  
White,  
Whiteside,  
Williams (Barbour),  
Williams (Marengo),  
Williams (Elmore),  
Wilson (Clarke),  
Wilson (Washington),  
Winn—137.



## UNFINISHED BUSINESS.

The Convention proceeded to the consideration of the unfinished business, which was the report of the Committee on Suffrage and Elections.

The question recurred upon the adoption of the amendment offered by Mr. Browne to the substitute offered by the Committee on Suffrage and Elections.

Mr. White moved to table the amendment offered by Mr. Browne.

The amendment was laid upon the table: Yeas, 63; nays, 59.

## YEAS.

Messrs. President,	Jenkins,
Almon,	Jones (Hale),
Altman,	Jones (Montgomery),
Banks,	Jones (Wilcox),
Boone,	Kyle,
Burnett,	Lomax,
Burns,	Macdonald,
Carmichael (Colbert),	McMillan (Wilcox),
Carnathon,	Malone,
Chapman,	Maxwell,
Coleman (Walker),	Merrill,
Craig,	Miller (Wilcox),
Cunningham,	NeSmith,
Davis (DeKalb),	Norman,
Dent,	Norwood,
Eley,	Oates,
Ferguson,	O'Neal (Lauderdale),
Fletcher,	Opp,
Foster,	Parker (Cullman),
Glover,	Pillans,
Graham (Talladega),	Pitts,
Grant,	Reese,
Greer (Perry),	Rogers (Lowndes),
Harrison,	Rogers (Sumter),
Hinson,	Sanford,
Hood,	Selheimer,
Howze,	Smith (Mobile),

Spragins,  
Stewart,  
Tayloe,  
Vaughan,  
Waddell,

Walker,  
Watts,  
Weatherly,  
White—63.

NAYS.

Messrs. Ashcraft,  
Barefield,  
Beavers,  
Beddow,  
Blackwell,  
Boone,  
Browne,  
Byars,  
Cardon,  
Carmichael (Coffee),  
Cobb,  
Cornwell,  
Davis (Etowah),  
Duke,  
Fitts,  
Freeman,  
Graham (Montgomery),  
Haley,  
Handley,  
Heflin (Chambers),  
Heflin (Randolph),  
Henderson,  
Hodges,  
Howell,  
Inge,  
Jackson,  
Jones (Bibb),  
Kirk,  
Knight,  
Ledbetter,

Leigh,  
Long (Walker),  
Lowe (Jefferson),  
Lowe (Lawrence),  
McMillan (Baldwin),  
Martin,  
Miller (Marengo),  
Moody,  
Murphree,  
O'Rear,  
Palmer,  
Parker (Elmore),  
Pearce,  
Pettus,  
Phillips,  
Robinson,  
Samford,  
Sanders,  
Smith, Mac. A.,  
Smith, Morgan M.,  
Spears,  
Thompson,  
Weakley,  
Whiteside,  
Williams (Barbour),  
Williams (Marengo),  
Williams (Elmore),  
Wilson (Clarke),  
Winn—59.

PAIRS ANNOUNCED.

The following pairs were announced:

Messrs. Eyster and Cofer, deGraffenried and Porter, Greer of Calhoun and Sloan. Messrs. Eyster, de-

Graffenried, Greer of Calhoun, would vote aye; and Messrs. Cofer, Porter, Sloan would vote nay.

Mr. Samford moved to reconsider the vote by which the previous question was ordered, on the pending substitute and amendment to the substitute.

The Chair ruled that the motion was not in order.

Thereupon Mr. Samford moved that the rules be suspended in order that he could move a reconsideration of the vote by which the previous question was ordered.

The motion to suspend the rules prevailed: Yeas, 82; nays, 36.

## YEAS.

Messrs. Almon,  
Ashcraft,  
Barefield,  
Bartlett,  
Beavers,  
Beddow,  
Bethune,  
Blackwell,  
Boone,  
Brooks,  
Browne,  
Byars,  
Carmichael (Coffee),  
Cobb,  
Coleman (Walker),  
Cornwell,  
Craig,  
Cunningham,  
Davis (DeKalb),  
Dent,  
Duke,  
Fitts,  
Fletcher,  
Foster,  
Freeman,  
Graham (Montgomery),  
Greer (Perry),

Haley,  
Handley,  
Harrison,  
Heflin (Chambers),  
Heflin (Randolph),  
Henderson,  
Hinson,  
Hodges,  
Hood,  
Howell,  
Inge,  
Jackson,  
Jenkins,  
Jones (Bibb),  
Jones (Montgomery),  
Kirk,  
Knight,  
Leigh,  
Lomax,  
Long (Walker),  
Lowe (Jefferson),  
Macdonald,  
McMillan (Baldwin),  
Maxwell,  
Miller (Marengo),  
Moody,  
Murphree,

NeSmith,  
Norwood,  
Oates,  
O'Neal (Lauderdale),  
Opp,  
O'Rear,  
Palmer,  
Parker (Cullman),  
Parker (Elmore),  
Pearce,  
Phillips,  
Reese,  
Rogers (Lowndes),  
Samford,

Sanders,  
Sanford,  
Selheimer,  
Spears,  
Spragins,  
Thompson,  
Weakley,  
Weatherly,  
White,  
Whiteside,  
Williams (Marengo),  
Williams (Elmore),  
Wilson (Clarke),  
Winn—82.

NAYS.

Messrs. President,  
Banks,  
Burnett,  
Burns,  
Carmichael (Colbert),  
Carnathon,  
Davis (Etowah),  
Eley,  
Ferguson,  
Glover,  
Graham (Talladega),  
Grant,  
Howze,  
Jones (Wilcox),  
Kyle,  
Ledbetter,  
Lowe (Lawrence),  
McMillan (Wilcox),

Martin,  
Merrill,  
Miller (Wilcox),  
Norman,  
Pettus,  
Pillans,  
Pitts,  
Robinson,  
Rogers (Sumter),  
Sloan,  
Smith, Mac. A.,  
Smith, Morgan M.  
Stewart,  
Tayloe,  
Vaughan,  
Waddell,  
Walker,  
Williams (Barbour)—36.

PAIRS ANNOUNCED.

The following pairs were announced:

Messrs. Cofer and Eyster, Porter and deGraffenried.  
Messrs. Cofer and Porter would vote aye, and Messrs.  
Eyster and deGraffenried would vote nay.

Mr. Samford moved to reconsider the vote by which the previous question was ordered.

The motion prevailed.

Mr. Samford offered the following substitute for the substitute offered by the committee:

Sec. 18. The poll tax mentioned in this article shall be \$1.50 upon each male inhabitant of the State over the age of 21 years, and under the age of 60 years, who would not now be exempt by law, except on account of age; such poll tax shall become due and payable on the first day of October in each year, and become delinquent on the first day of the next succeeding February, but no legal process nor any fee nor commission shall be allowed for the collection thereof. The tax collector shall make returns of poll tax collections separate from other collections, and all monies collected under this section shall be applied to the public schools in the county in which the same is collected.

Mr. Grant moved to table the substitute offered by Mr. Samford.

The motion to table was lost: Yeas, 51; nays, 67.

#### YEAS.

Messrs. President,  
Burnett,  
Byars,  
Cardon,  
Carmichael (Colbert),  
Carmichael (Coffee),  
Carnathon,  
Craig,  
Davis (Etowah),  
Duke,  
Eley,  
Fitts,  
Fletcher,  
Freeman,  
Glover,  
Grant,  
Handley,

Hetlin (Randolph),  
Henderson,  
Hinson,  
Hodges,  
Howze,  
Jones (Wilcox),  
Ledbetter,  
McMillan (Baldwin),  
Malone,  
Martin,  
Merrill,  
Miller (Wilcox)  
Moody,  
Norman,  
O'Neal (Lauderdale),  
Parker (Cullman),  
Pettus,

Robinson,  
Rogers (Sumter),  
Sanders,  
Sloan,  
Smith, Mac. A.  
Smith, Morgan M.,  
Spears,  
Thompson,  
Waddell,

Walker,  
Watts,  
Weakley,  
Weatherly,  
Williams (Barbour),  
Williams (Marengo),  
Williams (Elmore),  
Wilson (Clarke)—51.

NAYS.

Messrs. Almon,  
Banks,  
Barefield,  
Bartlett,  
Beddow,  
Bethune,  
Blackwell,  
Boone,  
Brooks,  
Browne,  
Burns,  
Chapman,  
Cobb,  
Coleman (Walker),  
Cornwell,  
Cunningham,  
Davis (DeKalb),  
Dent,  
Ferguson,  
Foster,  
Graham (Montgomery),  
Graham (Talladega),  
Greer (Perry),  
Haley,  
Harrison,  
Heffin (Chambers),  
Hood  
Inge,  
Jackson,

Jenkins,  
Jones (Bibb),  
Jones (Hale),  
Jones (Montgomery),  
Knight,  
Kyle,  
Leigh,  
Lomax,  
Long (Walker),  
Lowe (Jefferson),  
Macdonald,  
McMillan (Wilcox),  
Maxwell,  
Miller (Marengo),  
Murphree,  
NeSmith,  
Norwood,  
Oates,  
Opp,  
O'Rear,  
Palmer,  
Parker (Elmore),  
Pearce,  
Phillips,  
Pillans,  
Pitts.  
Reese,  
Rogers (Lowndes),  
Samford,

Sanford,  
Selheimer,  
Spragins,  
Stewart,  
Tayloe,

Vaughan,  
White,  
Whiteside,  
Winn—67.

The question recurred upon the adoption of the substitute offered by Mr. Samford for the substitute offered by the committee.

The substitute offered by Mr. Samford was adopted.

The question recurred upon the adoption of Section 18 as amended.

Section 18, as amended, was lost: Yeas, 55; nays, 65:

#### YEAS.

Messrs. President,  
Banks,  
Beddow,  
Blackwell,  
Boone,  
Brooks,  
Burns,  
Chapman,  
Cobb,  
Coleman (Walker),  
Cornwell,  
Craig,  
Cunningham,  
Davis (DeKalb),  
Dent,  
Ferguson,  
Fletcher,  
Foster,  
Graham (Talladega),  
Harrison,  
Hood,  
Jackson,  
Jenkins,  
Jones (Hale),  
Jones (Montgomery),  
Knight,  
Kyle,  
Lomax,

Lowe (Jefferson),  
Macdonald,  
McMillan (Wilcox),  
Murphree,  
NeSmith,  
Norwood,  
Oates,  
O'Neal (Lauderdale),  
Palmer,  
Parker (Elmore),  
Pillans,  
Pitts,  
Reese,  
Rogers (Lowndes),  
Samford,  
Sanford,  
Selheimer,  
Spragins,  
Stewart,  
Tayloe,  
Vaughan,  
Waddell,  
Weatherly,  
White,  
Whiteside,  
Williams (Elmore),  
Winn—55.

## NAYS.

Messrs. Almon,	Leigh,
Barefield,	Long (Walker),
Bartlett,	Lowe (Lawrence),
Beavers,	McMillan (Baldwin),
Bethune,	Malone,
Browne,	Martin,
Byars,	Maxwell,
Cardon,	Merriii,
Carmichael (Colbert),	Miller (Marengo),
Carmichael (Coffee),	Miller (Wilcox),
Carnathon,	Moody,
Davis (Etowah),	Norman,
Duke,	Opp,
Eley,	O'Rear,
Fitts,	Parker (Cullman),
Freeman,	Pearce,
Glover,	Pettus,
Graham (Montgomery),	Phillips,
Grant,	Robinson,
Haley,	Rogers (Sumter),
Handley,	Sanders,
Heflin (Chambers),	Sloan,
Heflin (Randolph),	Smith, Mac. A.,
Henderson,	Smith, Morgan M.,
Hinson,	Spears,
Hodges,	Thompson,
Howell,	Walker,
Howze,	Watts,
Inge,	Weakley,
Jones (Bibb),	Williams (Barbour),
Jones (Wilcox),	Williams (Marengo),
Kirk,	Wilson (Clarke)—65.
Ledbetter,	

## PAIRS ANNOUNCED.

The following pairs were announced:

Messrs. Burnett, Long of Bulter, deGraffenried and Porter. Messrs. Burnett and deGraffenried would vote aye; and Messrs. Long of Butler, and Porter would vote nay.



The point of order was raised that the question recurred upon the original Section 18, as reported by the committee.

The Chair (Mr. Graham, of Talladega, presiding) held on the point of order raised by Mr. Knox, that Section 18 was before the Convention.

Section 18, as originally reported by the Committee on Suffrage and Elections, was, on motion of Mr. White, adopted.

#### SECTION NINETEEN.

The question recurred upon the amendment to Section 19 offered by Mr. Sorrell on yesterday, and the amendment to the amendment offered by Mr. Samford.

On motion of Mr. White, the pending amendments were laid upon the table.

Thereupon Mr. White, acting chairman of the Committee on Suffrage and Elections, offered the following substitute for Section 19:

If any section or subdivision of this article shall, for any reason, be or be held by any court of competent jurisdiction, and on final resort, to be invalid, inoperative or void, the residue of the article shall not be thereby invalidated or affected.

Mr. Harrison offered the following amendment to the substitute:

Amend by adding at end of Section the following words, to-wit:

Provided, that the Boards of Registration appointed for the several counties, shall prepare and file, as required by the seventh subdivision of Section 10 of this article, three separate and distinct lists of those registered, by their showing upon one those who registered under the first subdivision of Section 4; on another those who registered under the second subdivision of said section; and another those who registered under the third subdivision of said section.

On motion of Mr. Weatherly the amendment was laid upon the table.

Mr. Sanders offered the following substitute for the substitute reported by the committee:

It is hereby declared that the Suffrage plan contained in this article is not one and indivisible; but that each provision thereof is separate, distinct, independent and divisible.

On motion of Mr. Knox the substitute offered by Mr. Sanders was laid upon the table.

The question recurred upon the adoption of the substitute offered by the committee for Section 19.

Mr. Sanders moved to table the substitute offered by the committee to Section 19.

The motion to table was lost.

Section 19, as amended by the substitute, was thereupon adopted.

Mr. Sanford offered the following amendment, to constitute a new section:

Section —. When any person offers to vote, the returning officer must call his name audibly and distinctly; and if there be no objection as to the qualifications of such person as an elector, must receive his vote; and the name of each elector, whose ballot has been so received, must be taken down immediately by the clerk or clerks on separate lists, which shall be headed "Names of Voters," and called poll lists; and the number of the order in which such elector votes must at the same time be entered by each clerk against his name, and number the ballot by the same number as that is entered against the voter's name.

On motion of Mr. Weatherly the amendment of Mr. Sanford was laid upon the table.

Mr. Lowe, of Jefferson, offered a substitute for the entire article on Suffrage and Elections, said substitute to be taken up at the morning session of to-morrow.

#### ADJOURNMENT.

On motion of Mr. Barefield the Convention adjourned until 9:30 to-morrow morning.

## SIXTY-SECOND DAY.

## CONVENTION HALL.

Montgomery, Ala., Saturday, August 3, 1901.

The Convention met pursuant to adjournment.  
Prayer was offered by Rev. Mr. Marshall of the city.

## ROLL CALL.

On a call of the roll of the Convention the following delegates answered to their names, which constitute a quorum :

Messrs. President,	Dent,
Almon,	deGraffenried,
Ashcraft,	Duke,
Banks,	Eley,
Barefield,	Fletcher,
Bartlett,	Foster,
Beavers,	Glover.
Beddow.	Graham (Montgomery),
Bethune,	Graham (Talladega),
Blackwell,	Greer (Perry),
Boone,	Haley,
Brooks,	Handley,
Byars,	Harrison,
Cardon,	Hodges,
Carmichael (Colbert),	Hood,
Carmichael (Coffee),	Howell,
Carnathon,	Inge,
Chapman,	Jackson,
Cobb,	Jones (Bibb),
Craig,	Jones (Montgomery),
Cunningham,	King,
Davis (DeKalb),	Kirk.
Davis (Etowah),	Knight,

Kyle,  
 Leigh,  
 Lomax,  
 Lowe (Jefferson),  
 Lowe (Lawrence),  
 Macdonald,  
 McMillan (Baldwin),  
 McMillan (Wilcox),  
 Malone,  
 Maxwell,  
 Merrill,  
 Miller (Marengo),  
 Miller (Wilcox),  
 Morrisette,  
 Mulkey,  
 Murphree,  
 Norman,  
 Norwood,  
 Oates,  
 Opp,  
 O'Rear,  
 Palmer,  
 Parker (Cullman),  
 Parker (Elmore),  
 Pearce,  
 Pettus,  
 Phillips,

Pillans,  
 Porter,  
 Robinson,  
 Rogers (Lowndes),  
 Rogers (Sumter),  
 Sanford,  
 Sanders,  
 Sanford,  
 Selheimer,  
 Sloan,  
 Smith (Mobile),  
 Smith, Mac. A.  
 Spears,  
 Spragins,  
 Stewart,  
 Tayloe,  
 Thompson,  
 Waddell,  
 Walker,  
 Watts,  
 White,  
 Whiteside,  
 Williams (Barbour),  
 Williams (Marengo),  
 Wilson (Clarke),  
 Wilson (Washington),  
 Winn—98.

#### LEAVE OF ABSENCE

Was granted to Messrs. Parker of Cullman, and Eley for to-day; Pitts and Long of Walker for to-day and Monday; Locklin from July 28 to August 5; Smith, Morgan M., for to-day; Bethune, Monday and Tuesday; Malone for Monday; Altman for to-day and Monday; Winn for Monday and Tuesday; O'Neal of Lauderdale for Monday and Tuesday; Ledbetter for Monday and Tuesday; John H. Parker for Monday.

## REPORT OF THE COMMITTEE ON THE JOURNAL.

The chairman of the Committee on the Journal submitted the following report, which was concurred in:

The Committee on the Journal beg leave to report that they have examined the Journal for the sixty-first day of the Convention, and that the same is correct.

Respectfully submitted,

JOHN F. PROCTOR, *Chairman.*

## RESOLUTIONS ON FIRST READING.

The following resolution was introduced, severally read one time at length, and referred to appropriate committees, as follows:

Resolution 284, by Mr. Williams, of Marengo:

Resolved, That the following amendment be referred to the Committee on Judiciary, to-wit:

Amend Section 29 of the report of the Committee on Judiciary by striking out in the eighth line the words "and the inferior courts herein provided for" and by inserting after the word "ejectment" in the tenth line, the following: "And the inferior courts herein provided for shall have such jurisdiction as may be conferred on them by law."

The resolution was referred to the Committee on Judiciary.

## ORDINANCES ON FIRST READING.

The following ordinances were introduced, severally read one time at length, and referred to appropriate committees, as follows:

Ordinance 437, by Mr. Smith, of Mobile:

To exempt maimed soldiers who served in the Confederate army or the State of Alabama in the war between the States.

The ordinance was referred to the Committee on Taxation.

Ordinance 438, by Mr. Williams, of Marengo:

Providing for the suspension of the act passed by the General Assembly changing the county seat of Shelby County from Columbiana to Calera; until permanently located by a vote of the qualified electors of the county.

The ordinance was referred to the Committee on State and County Boundaries.

Ordinance 439, by Mr. Samford:

Providing that Section 2 of the article on Suffrage and Elections be amended, in regard to the voting of ministers of the gospel.

The ordinance was referred to the Committee on Suffrage and Elections.

#### STENOGRAPHIC REPORT.

Mr. Sanders called the attention of the Convention to a certain error in the stenographic report of the proceedings of yesterday.

The report was ordered corrected.

Mr. Samford moved that when the Convention adjourn to-day at 1 o'clock that it adjourn to meet at 11 o'clock on Monday.

The motion of Mr. Samford prevailed.

#### UNFINISHED BUSINESS.

The Convention proceeded to the consideration of the unfinished business, which was the report of the Committee on Suffrage and Elections.

The question was upon the adoption of the substitute offered by Mr. Lowe, of Jefferson, for the entire article on Suffrage and Elections.

The substitute of Mr. Lowe was read as follows:

An Ordinance—

Be it ordained by the people of Alabama in Convention assembled:

Section 1. Every male citizen of the United States, and every male citizen of foreign birth, who may have legally declared his intention to become a citizen of the United States before he offers to vote, who is not under 21 years of age, possessing the following qualifications,

shall be an elector and shall be entitled to vote at any election by the people, except as hereinafter provided:

First—He shall have resided in the State at least two years, in the county one year, and in the precinct or ward three months immediately preceding the election at which he offers to vote; provided, that any elector who within three months next preceding the date of election at which he offers to vote, has removed from one precinct or ward to another precinct or ward in the same county shall have the right to vote in the precinct or ward from which he has so removed, if he would have been entitled to vote in such precinct or ward but for such removal; and provided also, that no soldier, sailor or marine in the military or naval service of the United States shall acquire a residence by being stationed in this State.

Second—He shall have made a contribution to the public schools of \$3.00, by all electors under 45 years of age, and \$1.50 by all electors over 45 years of age, by paying that amount to the tax collector of the county during the months of January, February or March of each year subsequent to the last general election and preceding the year in which the election is held at which he shall offer to vote. The contribution herein provided for shall be called "the school contribution," and the amount received therefrom, less the commission allowed by law to the collector, shall be applied to the public schools of the State; provided, however, that the General Assembly may by law provide that the school contribution made by the residents of the several precincts may be used for the support and maintenance of the public schools of such precincts. It shall be the duty of the tax collector of the county to issue to each person who shall make the school contribution a receipt showing correctly the date of payment, the name of said persons, and the precinct and county of his residence, and immediately upon said payment being made, the tax collector shall enter the name of the person contributing in a well bound book to be kept for the purpose, or allow such person to write his own name in said book, which shall be ruled and marked to show

the date of payment of the school contribution, name, age, color and precinct of residence of the persons who make the same. And on or before the 15th day of April of each year the tax collector shall certify under oath and file in the office of the Judge of Probate of his county an accurate list of all persons who during the next preceding months of January, February and March, have made the school contribution, and the Judge of Probate shall, within ten days from its filing, cause said list to be recorded in a well bound book to be kept for the purpose and designated Registration of Electors. The list as certified by the tax collector and as recorded in the Probate office shall designate the name, age, color and precinct of residence of the persons whose names appear thereon. The Judge of Probate shall give notice by posting at some convenient place at the court house and by publication in one or more newspapers of general circulation, if any be published in the county, once a week for three successive weeks, that the list has been filed in his office, and the said notice shall be given, or the first insertion thereof, be made within ten days from the date of said filing of the list by the tax collector, and any citizen whose name does not appear on said list may, before the 31st day of May of each year, have the right to apply to the Judge of Probate to enter his name thereon, and upon due proof that the school contribution was made by such person within the time allowed therefor, it shall be the duty of the Judge of Probate to enter his name as an elector at the foot of said list as recorded with appropriate remarks indicating that said person's name had been improperly omitted; and upon the refusal of the Judge of Probate to enter the name of any applicant as an elector, the latter may appeal from the judgment or decision of the Judge of Probate to the Circuit Court of his county, and the judgment of the Circuit Court upon such matter shall be final. The General Assembly shall provide by law a method of expunging from the Registration of Electors any name, or names improperly placed on the list certified by the tax col-



lector or recorded by the Judge of Probate or added to either of said lists by any person. The tax collectors of the several counties shall remit to the State Auditor within the first fifteen days of April of each year the amount received by them respectively upon the school contribution, less their commission. It shall be unlawful for any tax collector to receive any school contribution for any year after the 31st day of March of that year, and any tax collector who wilfully or intentionally adds to or omits from the list herein required to be certified, and any Judge of Probate who wilfully or intentionally fails to accurately record the list certified, shall be guilty of a felony. No person whose name does not appear on the said certified list and Registration of Electors for the year next preceding that on which the election is held, shall be entitled to vote, except that in case of application by a citizen to have his name added and the judgment favorable thereto of the Judge of Probate or Circuit Court, such person may vote, as though his name were on said list; provided, that nothing herein shall be construed to exclude from voting any soldier or sailor who has fought or was actually enlisted on either side in the war between the States, or who has fought or was actually enlisted in any war to which the United States was a party, but all such soldiers and sailors otherwise qualified may vote without having made the school contribution.

Sec. 2. All elections by the people shall be by ballot, and all elections by persons in a representative capacity shall be *viva voce*.

Sec. 3. The following persons shall be disqualified, both from registering and from voting, namely:

All idiots and insane persons, those who shall by reason of conviction of crime be disqualified from voting at the time of the ratification of this Constitution; and those who shall be convicted of treason, murder, arson, embezzlement, malfeasance in office, larceny, receiving stolen property, obtaining property or money under false pretense, perjury, subornation of perjury, robbery, assault with intent to rob, burglary, forgery, bribery, assault and battery on the wife, bigamy, living

in adultery, sodomy, incest, rape, miscegenation, crime against nature, or any crime punishable by imprisonment in the penitentiary, or of any infamous crime or crime involving moral turpitude; also any person who shall be convicted as a vagrant or a tramp, or of selling or offering to sell his vote or the vote of another, or buying or offering to buy the vote of another in any election by the people, or in any primary election or to procure the nomination or election of any person to any office, or of suborning any witness or registrar to secure the registration of any person as an elector.

Sec. 4. No person shall be qualified to vote or participate in any primary election, party convention, mass meeting or other method of party action of any political party or faction, who shall not passess the qualifications prescribed in this article for an elector, or who shall be disqualified under the provisions of this article from voting.

Sec. 5. No person not registered and qualified as an elector under the provisions of this article shall vote at any State, county or municipal election, general, local or special, held subsequent to the general election in 1902; but the provisions of this article shall not apply to any election held prior to the general election in 1902; and any elector who shall comply with the provisions hereof in the year 1902 shall be entitled to vote in such election.

Sec. 6. Any elector whose right shall be challenged for any legal cause before an election officer shall be required to swear or affirm that the matter of the challenge is untrue before his vote shall be received, and any one who wilfully swears, or affirms, falsely there-to, shall be guilty of perjury.

Sec. 7. In the trial of any contested election in any proceedings to investigate any election, no person other than a defendant shall be allowed to withhold his testimony, on the ground that he may criminate himself, or subject himself to public infamy; but such person shall not be prosecuted for any offense arising out of the transaction concerning which he testifies, but may

be prosecuted for perjury committed on such examination.

Sec. 8. The General Assembly shall pass laws not inconsistent with this Constitution, to regulate and govern elections, and all such laws shall be uniform throughout the State, and shall provide by law for the manner of holding elections, and of ascertaining the result of the same, and shall provide general registration laws, not inconsistent with the provisions of this article; for the registration of all qualified electors from and after the first day of January, 1903. The General Assembly shall also make provisions by law, not inconsistent with this article, for the regulation of primary elections, and for punishing frauds at the same, but shall not make primary elections compulsory.

Sec. 9. It shall be the duty of the General Assembly to pass adequate laws giving protection against the evils arising from the use of intoxicating liquors at all elections.

Sec. 10. Electors shall in all cases, except treason, felony or breach of the peace, be privileged from arrest during their attendance at elections, or while going to or returning therefrom.

Sec. 11. Returns of elections for all civil officers who are to be commissioned by the Governor, except Secretary of State, Auditor, Treasurer, Commissioner of Agriculture and Industries, Attorney General and Superintendent of Education, and for members of the General Assembly, shall be made to the Secretary of State.

On motion of Mr. Smith, of Mobile, the substitute offered by Mr. Lowe, of Jefferson, was laid upon the table.

Mr. Blackwell offered the following amendment, to constitute a new section, to the article on Suffrage and Elections:

Sec. —. Any Board of Registrars, or a majority of any Board of Registrars, who shall knowingly register any person who is not of good character and who does not understand the obligations of citizenship under a

republican form of government, or who is otherwise legally disqualified from registering, shall, upon conviction, be fined not less than \$250 for each member of the Board of Registrars participating in the registration of such person or persons, and shall forfeit their offices as registrars.

Mr. Blacklell offered the following substitute for the amendment offered by himself:

Sec. —. Any Board of Registrars, or a majority of any Board of Registrars, who shall knowingly and corruptly register any person who is legally disqualified from registering, shall, upon conviction, be fined not less than \$250 for each member of the Board of Registrars participating in the registration of such person or persons, and shall forfeit their offices as registrars.

On motion of Mr. Chapman the amendment and substitute were laid upon the table.

Mr. Browne offered the following amendment, to constitute a new section, to the article on Suffrage and Elections:

Sec. —. The Legislature is authorized to raise the limit of age to which payment of poll tax is required under this article from 45 years to not more than 60 years.

The amendment was adopted.

Mr. Beddow offered the following amendment, to constitute a new section, to the article on Suffrage and Elections:

Sec. 20. The affidavit of an applicant for registration under paragraphs 1 and 2 of Section 4 of this article, based on his personal knowledge or information and belief, shall be sufficient evidence to entitle the applicant to registration as a voter.

On motion of Mr. Hood the amendment offered by Mr. Beddow was laid upon the table.

Mr. Kirk offered the following amendment, to constitute a new section to the article on Suffrage and Elections:

Sec. 20. After the first day of January, 1903, the following persons having the qualifications prescribed in Section 2 of this article, shall be qualified to register

as electors, provided they shall not be disqualified under Section 6 of this article; all male persons who were, on the first day of January, 1867, or at any date prior thereto, entitled to vote under the Constitution and laws of any State of the United States, wherein he then resided; and the lawful male descendants of such persons on arriving at the age of 21 years, and not disqualified under Sections 2 and 6 of this article.

Mr. White moved to table the amendment offered by Mr. Kirk.

The motion to table prevailed: Yeas, 80; nays, 23.

#### YEAS.

Messrs. President,	Greer (Perry),
Ashcraft,	Handley,
Banks,	Harrison,
Barefield,	Hinson,
Bartlett,	Hood,
Beddow,	Howell,
Bethune,	Inge,
Blackwell,	Jackson,
Boone,	Jenkins,
Brooks,	Jones (Bibb),
Browne,	Jones (Hale),
Burns,	Jones (Montgomery),
Cardon,	Jones (Wilcox),
Carnathon,	Kyle,
Chapman,	Ledbetter,
Cobb,	Leigh,
Craig,	Lomax,
Cunningham,	McMillan (Baldwin),
Davis (DeKalb),	McMillan (Wilcox),
Dent,	Malone,
Duke,	Maxwell,
Eley,	Merrill,
Eyster,	Miller (Marengo),
Fletcher,	Miller (Wilcox),
Glover,	Morrisette,
Graham (Montgomery),	Murphree,
Graham (Talladega).	NeSmith,

Norman,  
Oates,  
O'Neal (Lauderdale),  
O'Neill, (Jefferson),  
Opp,  
Palmer,  
Parker (Cullman),  
Parker (Elmore),  
Pearce,  
Pillans,  
Robinson,  
Rogers (Lowndes),  
Rogers (Sumter),  
Samford,

Sanford,  
Selheimer,  
Smith (Mobile),  
Stewart,  
Tayloe,  
Waddell,  
Walker,  
Weatherly,  
White,  
Williams (Barbour),  
Williams (Marengo).  
Wilson (Clarke),  
Winn—80.

## NAYS.

Messrs. Almon,  
Bartlett,  
Beavers,  
Byars,  
Carmichael (Colbert),  
Cofer,  
Davis, (Etowah),  
Freeman,  
Haley,  
Heflin (Chambers),  
Hodges,  
Kirk,

Lowe (Lawrence),  
Macdonald,  
Pettus,  
Phillips,  
Porter,  
Sanders,  
Smith, Mac. A.  
Spears,  
Spragins,  
Thompson,  
Whiteside—23.

## PAIRS ANNOUNCED.

The following pairs were announced:

Messrs. Coleman of Greene and Mulkey; Greer of Calhoun and Sloan. Messrs. Coleman of Greene, and Greer of Calhoun would vote aye; and Messrs. Mulkey and Sloan would vote nay.

Mr. Jenkins offered the following amendment, to constitute a new section, to the article on Suffrage and Elections:

Amend article on Suffrage by adding the following thereto as an additional section, to be known as Section 20:

In addition to the permanent qualifications for suffrage provided for in Section 3, every voter shall be of good character for truth and veracity as now interpreted by the courts, but such good character shall be presumed until challenged, and no person shall be challenged on less than three affidavits of three reliable and responsible citizens, stating that they know the general character and character for truth and veracity of the person challenged, and that from that knowledge they would not believe such person so challenged on oath. Upon the challenge of any person under this section it shall be the duty of the registrars to sit as a jury and decide upon the question of the good character of the person so challenged and any person denied the right to register under this section shall have the right of appeal to the Circuit or City Court or court of like jurisdiction in the county, and the person so appealing may waive the jury if he so elects, in which case the decisions of the court shall be final as to the right of the person to register under the provisions of this section.

On motion of Mr. Dent the amendment offered by Mr. Jenkins was laid upon the table.

Mr. Sanford offered the following amendment, to constitute a new section to the article on Suffrage and Elections:

Sec. —. Any person who shall pay the poll tax of any elector for the purpose of controlling or influencing his vote, upon conviction shall be disfranchised, and shall hold no office in Alabama.

Mr. O'Neal, of Lauderdale, offered the following substitute for the amendment offered by Mr. Sanford:

Sec. —. Any person who shall pay the poll tax of another or advance him money for that purpose in order to influence his vote, shall be guilty of bribery, and punished accordingly.

The substitute to the amendment was adopted.

On motion of Mr. White the article on Suffrage and Elections was ordered engrossed for a third reading.

## SPECIAL ORDER.

The Convention proceeded to the consideration of the special order which was the report of the Committee on Judiciary.

On motion of Mr. Smith, of Mobile, the report was ordered considered section by section.

## SECTION ONE.

Was read at length as follows:

Section 1. The judicial powers of the State shall be vested in the Senate sitting as a court of impeachment, a Supreme Court, Circuit Courts, Chancery Courts, Courts of Probate, such courts of law and equity inferior to the Supreme Court, and to consist of not more than five members, as the General Assembly from time to time may establish, and such persons as may be by law invested with powers of a judicial nature; but no court of general jurisdiction, at law or in equity, or both, shall hereafter be established in and for any one county having a population of less than 20,000, or property assessed for taxation at a less valuation than \$3,500,000.

Mr Kirk offered the following amendment to Section 1:

Amend Section 1 of Article on the Judiciary by striking out the words "twenty thousand," in line seven, and insert in place thereof the following words: "Thirty thousand," and by striking out the words "three million five hundred thousand dollars" and insert in place thereof the following, "seven million dollars"

On motion of Mr. Watts the amendment of Mr. Kirk was laid upon the table.

Section 1 was thereupon adopted.

## SECTION TWO.

Was read at length as follows:

Sec. 2. Except in cases otherwise directed in this Constitution, the Supreme Court shall have appellate jurisdiction only, which shall be coextensive with the



State, under such restrictions and regulations, not repugnant to this Constitution, as may from time to time be prescribed by law, except where jurisdiction over appeals is vested in some inferior court, and made final therein; provided, that the Supreme Court shall have power to issue writs of injunction, habeas corpus, quo warranto, and such other remedial and original writs as may be necessary to give it a general superintendence and control of inferior jurisdictions.

The following minority report, offered by Mr. Kirk, was read as follows:

Sec. 2. Except in cases otherwise directed in this Constitution, the Supreme Court shall have appellate jurisdiction only, which shall be coextensive with the State, under such restrictions and regulations not repugnant to this Constitution as may from time to time be prescribed by law; provided, the Supreme Court shall have power to issue writs of injunction, habeas corpus, quo warrant and such other remedial and original writs as may be necessary to give it a general superintendence and control of inferior jurisdiction.

On motion of Mr. Pillans the minority report was laid upon the table.

Section 2 was, on motion of Mr. Samford, adopted.

#### RECONSIDERATION.

Mr. Barefield gave notice that on to-morrow he would move to reconsider the vote by which Section 2 was adopted.

#### SECTION THREE.

Was read at length as follows and adopted:

Sec. 3. The Supreme Court shall be held at the seat of government, but if that shall become dangerous from any cause, it may adjourn to another place.

#### SECTION FOUR.

Was read at length as follows and adopted:

Sec. 4. Except as otherwise authorized in this article, the State shall be divided into convenient circuits.

For each circuit there shall be chosen a judge, who shall, for one year next preceding his election and during his continuance in office, reside in the circuit for which he is elected.

#### SECTION FIVE.

Was read at length as follows and adopted:

Sec. 5. The Circuit Court shall have original jurisdiction in all matters civil and criminal within the State not otherwise excepted in this Constitution; but in civil cases, other than suits for libel, slander, assault and battery, and ejectment, it shall have jurisdiction only where the matter or sum in controversy exceeds fifty dollars.

#### SECTION SIX.

Was read at length as follows and adopted:

Sec. 6. A Circuit Court, or a court having the jurisdiction of the Circuit Court, shall be held in each county in the State at least twice in every year, and judges of the several courts mentioned in this section may hold court for each other when they deem it expedient, and shall do so when directed by law. The judges of the several courts mentioned in this section shall have power to issue writs of injunction, returnable in the Courts of Chancery, or courts having the jurisdiction of Courts of Chancery.

#### SECTION SEVEN.

Was read at length as follows:

Sec. 7. The General Assembly shall have power to establish a Court or Courts of Chancery, with original and appellate jurisdiction, except as otherwise authorized in this article. The State shall be divided by the General Assembly into convenient Chancery districts; each division shall be divided into districts, and for each division there shall be a chancellor, who shall have resided for one year next preceding his election or ap-

pointment, and during his continuance in office in the division for which he shall be elected or appointed.

Mr. Oates moved to strike out Section 7 of the report on Judiciary.

On motion of Mr. Heflin, of Chambers, the motion of Mr. Oates was laid upon the table.

On motion of Mr. Graham, of Montgomery, Section 7 was adopted.

#### SECTION EIGHT.

Was read at length and adopted:

Sec. 8. A Chancery Court, or a court having the jurisdiction of the Chancery Court, shall be held in each district, at a place to be fixed by law, at least twice in each year, and the chancellors may hold court for each other when they deem it necessary.

#### SECTION NINE.

Was read at length as follows:

Sec. 9. Any county having a population exceeding 20,000, according to the next preceding Federal census, and also taxable property exceeding \$3,500,000 in value, according to the next preceding assessment of property for State and county taxation, need not be included in any circuit or chancery division; but if the value of its taxable property shall be reduced below that limit, or if its population shall be reduced below that number, the General Assembly shall include such county in a circuit and chancery division or either, embracing more than one county.

No circuit or chancery division shall contain less than three counties, unless there be embraced therein a county having a population exceeding 20,000, and taxable property exceeding \$3,500,000. The General Assembly may confer upon the Circuit Court or the Chancery Court the jurisdiction of both of said courts. In counties having two or more courts of record, the General Assembly may provide for the consolidation of all or any of such courts of record, except the Probate Court, with or

without separate divisions, and an appropriate number of Judges for the transaction of the business of such consolidated court.

The following minority report to Section 9, offered by Mr. Kirk, was read as follows:

Sec. 9. Any county having a population exceeding 30,000 according to the next preceding Federal census, and also taxable property exceeding seven millions of dollars in value, according to the next preceding assessment of property for State and county taxation, need not be included in any Circuit or Chancery division; but if the value of taxable property shall be reduced below that limit, or its population be reduced below that number, in either of which events the General Assembly shall include such county in a Circuit or Chancery division, or either, embracing more than one county. No Circuit or Chancery division shall contain less than three counties, unless there be embraced therein a county having a population exceeding thirty thousand, and taxable property exceeding seven millions of dollars. The counties of this State not having a population of thirty thousand and taxable property of seven millions of dollars, or more, shall be divided into convenient circuits by the General Assembly at its first session after the adoption of this Constitution, and when so divided, the number of circuits shall not be increased except by a vote of two-thirds of the General Assembly.

On motion of Mr. Sanders the minority report offered by Mr. Kirk was laid upon the table.

Mr. Williams, of Barbour, offered the following amendment to Section 9:

Strike out the sentence beginning in line ten with the words "the General Assembly."

On motion of Mr. Hood the amendment offered by Mr. Williams, of Barbour, was laid upon the table.

On motion of Mr. Cobb Section 9 was adopted.

#### ADJOURNMENT.

The hour of 1 o'clock having arrived, under the motion heretofore adopted, the Convention adjourned until 11 o'clock Monday morning.

## SIXTY-THIRD DAY.

## CONVENTION HALL.

Montgomery, Ala., Monday, August 5, 1901.

The Convention met pursuant to adjournment.

Prayer was offered by Rev. Mr. Howell of the Convention.

## ROLL CALL.

On a call of the roll of the Convention the following delegates answered to their names, which constituted a quorum :

Messrs. President,	Espy,
Ashcraft,	Ferguson,
Barefield,	Fletcher,
Bartlett,	Foshee,
Beavers,	Gilmore,
Beddow,	Glover,
Boone,	Graham (Montgomery),
Brooks,	Graham (Talladega),
Browne,	Grayson,
Bulger,	Haley,
Burns,	Handley,
Byars,	Heflin (Chambers),
Cardon,	Heflin (Randolph),
Carmichael (Colbert),	Henderson,
Carnathon,	Hodges,
Chapman,	Hood,
Cobb,	Howell,
Cofer,	Inge,
Coleman (Walker),	Jenkins,
Craig,	Jones (Bibb),
Davis (DeKalb),	Jones (Hale),
Davis. (Etowah),	Kirk,
Dent,	Kyle,
deGraffenried,	Leigh,
Duke,	Lomax,

Long (Butler),	Samford,
Macdonald,	Sanford,
McMillan (Baldwin),	Selheimer,
McMillan (Wilcox),	Sentell,
Maxwell,	Smith (Mobile),
Miller (Marengo),	Smith, Mac. A.,
Miller (Wilcox),	Spears.
Morrisette,	Spragins,
Murphree,	Stewart,
NeSmith,	Studdard,
Norman,	Taylor,
Oates,	Vaughan,
Opp,	Waddell,
Palmer,	Walker,
Pearce,	Watts,
Pettus,	Weakley,
Phillips,	Weatherly,
Porter,	White,
Reese,	Whiteside,
Reynolds (Henry),	Williams (Marengo),
Rogers (Sumter),	Wilson (Clarke)—94.

## LEAVE OF ABSENCE

Was granted to Messrs. Jones of Wilcox, Williams of Barbour, Harrison, Jackson, Sloan, Smith, M. M.; Lomax and Pitts for to-day, and to Jones of Montgomery, Reynolds of Chilton indefinitely.

## REPORT OF THE COMMITTEE ON THE JOURNAL.

The chairman of the Committee on the Journal submitted the following report, which was concurred in:

The Committee on the Journal beg leave to report that they have examined the Journal for the sixty-second day of the Convention, and that the same is correct.

Respectfully submitted,

JOHN F. PROCTOR, *Chairman.*

## PRIVILEGES OF THE FLOOR.

On motion of Mr. Sentell, the privileges of the floor were extended to Hon. J. F. Jones, member of the Legislature.

On motion of Mr. Samford, resolution 194 was made a special order immediately after the disposition of the special orders heretofore made.

## RESOLUTIONS ON FIRST READING.

The following resolution was introduced, read one time at length and referred to appropriate committees as follows:

Resolution 285, by Mr. Graham, of Montgomery:

Whereas, This Convention has heard of the great affliction which has befallen ex-Governor Thomas G. Jones, a member of this Convention, in the tragic death of his daughter, which occurred at an early hour this morning, and

Whereas, It is proper that we should place on record some evidence of the sorrow which we feel at the calamity that has overtaken our colleague; therefore

Be it resolved by the Constitutional Convention of Alabama, that we, individually and collectively, profoundly sympathize with Hon. Thomas G. Jones, and the members of his family in the great affliction which they have sustained in the untimely and dreadful death of his daughter.

Resolved further, That the Secretary of this Convention be and he is hereby instructed to send a duly certified copy of these resolutions to Governor Jones.

On motion of Mr. Graham, of Montgomery, the rules were suspended and the above resolution was unanimously adopted by a rising vote.

## ORDINANCES ON FIRST READING.

The following ordinances were introduced, severally read one time at length, and referred to appropriate committees, as follows:

Ordinance 440, by Mr. Taylør:

To amend Section 3 of an ordinance lately passed by the people of Alabama in Convention assembled, entitled an ordinance to create and define the State and County Boundaries, and to regulate the location of county sites and the formation of new counties.

The ordinance was referred to the Committee on State and County Boundaries.

Ordinance 441, by Mr. Whiteside:

To amend Section 3 of Article II of this Constitution.

The ordinance was referred to the Committee on State and County Boundaries.

Ordinance 442, by Mr. Reese:

To amend Section 18 of the Article on Suffrage and Elections lately passed by this Convention.

The ordinance was referred to the Committee on Suffrage and Elections.

#### UNFINISHED BUSINESS.

The Convention proceeded to the consideration of the unfinished business, which was the report of the Committee on Judiciary.

#### SECTION TEN.

Was read at length as follows and adopted:

Sec. 10. The General Assembly shall have power to establish in each county within the State a court of Probate, with general jurisdiction to grant letters testamentary and of administration, and of orphans' business; provided, that whenever any court having equity powers has taken jurisdiction of the settlement of any estate, it shall have power to do all things necessary for the settlement of such estate, including the appointment and removal of administrators, executors, guardians and trustees, and including action upon the resignation of either of them.



## SECTION ELEVEN.

Was read at length as follows:

Sec. 11. The Justices of the Supreme Court, Chancellors, and the Judges of the Circuit Courts, and other courts of record, except Probate Courts, shall, at stated times, receive for their services a compensation which shall not be diminished during their official term; they shall receive no fees or perquisites, nor hold any office (except judicial offices) of profit or trust under this State or the United States, or any other power, during the term for which they have been elected.

Mr. Oates offered the following amendment to Section 11, which was adopted:

Amend Section 11 by adding thereto the words "or appointed."

Mr. Oates offered the following amendment to Section 11:

Amend Section 11 by adding thereto as follows: "And shall not during their continuance in office take an active part in partisan politics."

On motion of Mr. Walker the amendment offered by Mr. Oates was laid upon the table.

Mr. Macdonald offered the following amendment to Section 11:

Amend by striking out all of said section after the words "perquisites" where it appears on the fourth line of said section.

On motion of Mr. Heflin, of Chambers, the amendment offered by Mr. Macdonald was laid upon the table.

On motion of Mr. Smith, of Mobile, Section 11, as amended was adopted.

## SECTION TWELVE.

Was read at length as follows and adopted:

Sec. 12. The Supreme Court shall consist of one Chief Justice and such number of Associate Justices as may be prescribed by law.

## SECTION THIRTEEN.

Was read at length as follows:

Sec. 13. The Chief Justice and Associate Justices of the Supreme Court, Judges of the Circuit Courts, Probate Courts, and Chancellors, shall be elected by the qualified electors of the State, circuits, counties and chancery divisions, for which such courts may be established, at such times as may be prescribed by law, except as herein otherwise provided.

Mr. Oates offered the following amendment to Section 13:

In lines 2 and 3 strike out the words "elected by the qualified electors of the State" and insert in lieu thereof the following, to-wit: "Appointed by the Governor by and with the advice and consent of the Senate, for the State, excepting Judges of Probate Courts."

Mr. Boone moved to table the amendment offered by Mr. Oates.

The motion prevailed, and the amendment was laid upon the table: Yeas, 75; nays, 13.

## YEAS.

Messrs. Ashcraft,  
Barefield,  
Beavers,  
Beddow,  
Blackwell,  
Boone,  
Brooks,  
Browne,  
Bulger,  
Burns,  
Byars,  
Cardon,  
Carmichael (Colbert),  
Carnathon,  
Chapman,  
Cobb,  
Coleman (Walker),

Craig,  
Davis (Etowah),  
Davis (DeKalb),  
Duke,  
Eley,  
Ferguson,  
Fletcher,  
Glover,  
Graham (Montgomery),  
Graham (Talladega),  
Grayson,  
Haley,  
Handley,  
Heflin (Chambers),  
Heflin (Randolph),  
Henderson,  
Hodges,

Hood,	Porter,
Howell,	Reese,
Inge,	Reynolds (Henry),
Jenkins,	Samford,
Jones (Bibb),	Sentell,
Jones (Hale),	Smith (Mobile),
Kirk,	Smith, Mac. A.,
Ledbetter,	Sorrell,
Long (Butler),	Spragins,
Macdonald,	Stewart,
McMillan (Wilcox),	Studdard,
Maxwell,	Taylor,
Merrill,	Vaughan,
Miller (Marengo),	Waddell,
Miller (Wilcox),	Walker,
NeSmith,	Watts,
Norman,	Weakley,
Opp,	White,
Pearce,	Whiteside,
Pettus,	Wilson (Clarke)—75.
Phillips,	

## NAYS.

Messrs. President,	Murphree,
Dent,	Oates,
deGraffenried,	Palmer,
Foshee,	Rogers (Sumter),
Gilmore,	Sanford,
Kyle,	Selheimer—13.
McMillan (Baldwin),	

Mr. deGraffenried offered the following amendment to Section 13:

Sec. 13. The Chief Justice and Associate Justices of the Supreme Court, Judges of the Circuit Courts, and Chancellors shall be elected by the members of the General Assembly on joint ballot, and Judges of Probate shall be elected by the qualified electors of the counties for which such courts may be established, at such times as may be prescribed by law.

On motion of Mr. Boone the amendment offered by Mr. deGraffenried was laid upon the table.

Section 13 was thereupon adopted.

RECONSIDERATION.

Mr. Waddell moved to reconsider the vote by which Section 7 of the Article on Judiciary was adopted.

On motion of Mr. Graham, of Montgomery, the motion of Mr. Waddell was laid upon the table: Yeas, 52; nays, 38.

YEAS.

Messrs. Ashcraft,	Kirk,
Barefield,	Leigh,
Blackwell,	Macdonald,
Boone,	Maxwell,
Brooks,	Merrill,
Bulger,	Miller (Marengo).
Burns,	Miller (Wilcox),
Cardon,	Norman,
Carmichael (Colbert),	Opp,
Carnathon,	Pettus,
Cobb,	Reese,
Davis (DeKalb),	Reynolds (Henry),
deGraffenried,	Samford,
Duke,	Selheimer,
Espy,	Sentell,
Ferguson,	Smith (Mobile),
Fletcher,	Sorrell,
Glover,	Stewart,
Graham (Montgomery),	Vaughan,
Handley,	Waddell,
Heflin (Chambers),	Walker,
Heflin (Randolph),	Watts,
Henderson,	Weakley,
Inge,	Weatherly.
Jenkins,	White,
Jones (Hale),	Wilson (Clarke)—52.

## NAYS.

Messrs. President,	Howell,
Banks,	Jones (Bibb),
Bartlett,	Kyle,
Reavers,	McMillan (Baldwin),
Beddow,	McMillan (Wilcox),
Browne,	Murphree,
Ryars,	NeSmith,
Chapman,	Oates,
Coleman (Walker),	Palmer,
Craig,	Pearce,
Davis (Etowah),	Phillips,
Dent,	Porter,
Foshee,	Rogers (Sumter),
Gilmore,	Sanford,
Graham (Talladega),	Smith, Mac. A ,
Grayson,	Spears,
Haley,	Spragins,
Hodges,	Studdard,
Hood,	Whiteside—38.

## SECTION FOURTEEN.

Was read at length as follows:

Sec. 14. The Judges of such inferior courts of law and equity as may be by law established, shall be elected or appointed in such mode as the General Assembly may prescribe.

Mr. Spragins offered the following amendment to Section 14:

To amend Section 14 by striking out all after the word "elected" in the second line, and by adding in lieu thereof the following: "By the qualified electors of the county or counties within the jurisdiction of such inferior courts of law and equity."

On motion of Mr. Smith, of Mobile, the amendment was laid upon the table.

On motion of Mr. Smith, of Mobile, Section 14 was adopted.

## SECTION FIFTEEN.

Was read at length as follows:

Sec. 15. Chancellors and Judges of all courts of record, shall have been citizens of the United States and of this State for five years next preceding their election or appointment, and shall be not less than 25 years of age; and, except Judges of Probate Courts, shall be learned in the law.

Mr. Macdonald offered the following amendment to Section 15:

Amendment to Section 15 of article reported by Committee on Judiciary:

Amend Section 15 by striking out the words "except Judges of Probate Court" on the third and fourth lines of the section.

On motion of Mr. Duke the amendment offered by Mr. Macdonald was laid upon the table.

Section 15 was thereupon adopted.

## RECESS.

The hour of 1 o'clock p. m. arrived, and under the rules the Convention recessed until 3:30 this afternoon.

## AFTERNOON SESSION.

The Convention met pursuant to adjournment.

## ROLL CALL.

On a call of the roll of the Convention the following delegates answered to their names, which constituted a quorum:

Messrs. President,  
Ashcraft,  
Banks,  
Barefield,  
Bartlett,  
Beavers,

Beddow,  
Blackwell,  
Boone,  
Brooks,  
Browne,  
Bulger,

Burns,	McMillan (Baldwin),
Byars,	McMillan (Wilcox),
Cardon,	Maxwell,
Carmichael (Colbert),	Merrill,
Carnathon,	Miller (Marengo),
Chapman,	Miller (Wilcox),
Cobb,	Murphree,
Coleman (Walker),	NeSmith,
Craig,	Norwood,
Davis (DeKalb),	Oates,
Davis (Etowah),	Opp,
Dent,	Palmer,
deGraffenried,	Pearce,
Duke,	Pettus,
Eley,	Phillips,
Ferguson,	Pitts,
Fletcher,	Porter,
Foshee,	Reese,
Gilmore,	Reynolds (Henry),
Glover,	Rogers (Sumter),
Graham (Montgomery),	Samford,
Graham (Talladega),	Sanford,
Grayson,	Selheimer,
Haley,	Sentell,
Handley,	Smith (Mobile),
Heflin (Chambers),	Smith, Mac. A.,
Heflin (Randolph),	Spears,
Henderson,	Spragins,
Hodges,	Stewart,
Hood,	Studdard,
Howell,	Tayloe,
Inge,	Vaughan,
Jones (Bibb),	Waddell,
Jones (Hale),	Walker,
Kirk,	Watts,
Knight,	Weakley,
Kyle,	Weatherly,
Leigh,	White,
Long (Butler),	Whiteside,
Macdonald,	Wilson (Clarke)—92.

## PRIVILEGES OF THE FLOOR.

On motion of Mr. Oates the privileges of the floor were extended to Hon. Louis W. Turpin, ex-member of Congress.

## UNFINISHED BUSINESS.

The Convention proceeded to the consideration of the unfinished business, which was the report of the Committee on Judiciary.

## SECTION SIXTEEN.

Was read at length as follows:

Sec. 16. Except as otherwise provided in this article, the Chief Justice and Associate Justices of the Supreme Court, Circuit Judges, Chancellors, and Judges of Probate, shall hold office for the term of six years, and until their successors are elected or appointed, and qualified; and the right of such Judges and Chancellors to hold their offices for the full term hereby prescribed shall not be affected by any change hereafter made by law in any circuit, division or county, in the mode or time of election.

The Chair stated that there were two minority reports to Section 16 and 17, and that the Chair would hold that the minority reports would be considered as amendments and an amendment to the amendment.

The minority report to Section 16, by Messrs. Watts, Leigh, Edward A. Graham, J. McLean Jones, Samford, Pillans, reads as follows:

Sec. 16. In the year 1904, Judges of the Probate Courts, Judges of the Circuit Courts and Chancellors shall be elected by the qualified electors of the respective counties, circuit and chancery divisions for a term of six years, and until their successors are elected and qualified. In the year 1910, and every four years thereafter, Judges of the Probate Courts shall be elected by the qualified electors of the respective counties for a term of four years, and until their successors are elected and qualified. In the year



1910, and every eight years thereafter, Judges of the Circuit Courts and Chancellors shall be elected by the qualified electors of the respective Circuit and Chancery divisions for a term of eight years, and until their successors are elected and qualified. The right of such Judges and Chancellors to hold their offices for the full term hereby prescribed shall not be affected by any change hereafter made by law in any circuit, division or county in the mode or time of election.

The minority report to Section 16, by Messrs. NeSmith, Fitts and Duke, was read as follows:

Sec. 16. Except as otherwise provided in this article the Chief Justice and Associate Justices of the Supreme Court shall hold office for the term of eight years, and until their successors are elected and qualified. Circuit Judges, Chancellors and Judges of Probate shall hold office for a term of four years, except as otherwise provided in this article, and until their successors are elected or appointed and qualified; provided, that this section shall not operate to abridge the term of any Justice of the Supreme Court, Judge, Chancellor or Judges of Probate now in office; and provided further, that the Justices of the Supreme Court, Judges, Chancellors and Judges of Probate elected in 1904 shall hold office for the term of six years, and until their successors are elected and qualified.

The question was upon the adoption of the minority report offered by Messrs. NeSmith, Fitts and Duke.

The minority report was lost.

The question recurred upon the adoption of the minority report offered by Messrs. Watts, Leigh, E. A. Graham, J. McLean Jones, Samford and Pillans.

The minority report was lost.

On motion of Mr. Smith of Mobile, Section 16 was adopted.

#### SECTION SEVENTEEN.

Was read at length as follows:

Sec. 17. The Chief Justice and Associate Justices of the Supreme Court shall be chosen at an election held

at the time and place fixed by law for the election of members of the House of Representatives of the Congress of the United States, until the General Assembly shall, by law, change the time of holding such election. The term of office of the Chief Justice, who shall be elected in the year 1904, shall be as provided in the last preceding section. The successors of two of the Associate Justices elected in 1904 shall be elected in the year 1906, and the successors of the other two Associate Justices elected in 1904 shall be elected in the year 1908. The Associate Justices of said court elected in the year 1904 shall draw or cast lots among themselves to determine which of them shall hold office for the terms ending, respectively, in the years 1906 and 1908, and until their respective successors are elected or appointed and qualified. The result of such determination shall be certified to the Governor, by such Associate Justices, or a majority of them, prior to the first day of January, 1905, and such certificate shall be entered upon the minutes of the court. In the event of the failure of said Associate Justices to make and certify such determination, the Governor shall designate the terms for which they shall respectively hold office, as above provided, and shall issue his proclamation accordingly. In the event of an increase or reduction by law of the number of Associate Justices of the Supreme Court, the General Assembly shall, as nearly as may be, provide for the election, each second year, of one-third of the members of said court.

By unanimous consent the minority reports to Section 17 were withdrawn.

Mr. Samford offered the following amendment to Section 17:

Amend Section 17 by striking out the second line of said section and a part of the third line to the words "Congress of the United States," and inserting the words "on the first Tuesday of May in the year in which the term of such Justices shall expire."

On motion of Mr. Heflin, of Chambers, the amendment offered by Mr. Samford was laid upon the table.

Mr. Pettus offered the following amendment to Section 17:

Amend Section 17 by striking out the words beginning "the Associate Justice" in line eight, down to and including the words "such determination" in line fourteen.

On motion of Mr. deGraffenried the amendment offered by Mr. Pettus was laid upon the table.

On motion of Mr. Smith, of Mobile, Section 17 was adopted.

#### SECTION EIGHTEEN.

Was read at length as follows and adopted:

Sec. 18. All judicial officers within their respective jurisdictions shall, by virtue of their offices, be conservators of the peace.

#### SECTION NINETEEN.

Was read at length as follows and adopted:

Sec. 19. Vacancies in the office of any of the judges who hold office by election, or chancellors of this State, shall be filled by appointment by the Governor; such appointee shall hold his office until the next general election held at least six months after the vacancy occurs, and until his successor is elected and qualified; the successor chosen at such election shall hold office for the unexpired term and until his successor is elected and qualified.

#### SECTION TWENTY.

Was read at length as follows and adopted:

Sec. 20. Whenever any new circuit or chancery division is created the Judge or Chancellor therefor shall be elected at the next election for Representatives to the General Assembly for a term to expire at the next general election for Judges and Chancellors; provided, that if said new circuit or chancery division is created more than six months before the next election of Representatives to the General Assembly, the Governor shall appoint some one as Judge or Chancellor, as the case may be, to hold the office until such election.

## SECTION TWENTY-ONE.

Was read at length as follows and adopted:

Sec. 21. If in any case, civil or criminal, pending in any Circuit Court, Chancery Court, or in any court having the jurisdiction of a Circuit or Chancery Court, or either of them, in this State, the presiding Judge or Chancellor shall, for any legal cause, be incompetent to try, hear or render judgment in such case, the parties, or their attorneys of record, if it be a civil case, or the solicitor or prosecuting officer, and the defendant or defendants, if it be a criminal case, may agree upon some disinterested person, practicing in the court and learned in the law, to act as special judge or chancellor to sit as a court, and to hear, decide and render judgment in the same manner and to the same effect as a Chancellor or as a Judge of the Circuit Court, or of a court having the jurisdiction of a Circuit and Chancery Court, or either, sitting as a court might do in such case. If the case be a civil one, and the parties or their attorneys of record do not agree; or if it be a criminal one and the prosecuting officer and the defendant or defendants do not agree upon a special Judge or Chancellor, or if either party in a civil cause is not represented in court, the Register in Chancery or the clerk of such Circuit or other court, in which said cause is pending, shall appoint a special Judge or Chancellor, who shall preside, try and render judgment as in this section provided. The General Assembly may prescribe other methods for supplying special Judges in such cases.

## SECTION TWENTY-TWO.

Was read at length as follows and adopted:

Sec. 22. The General Assembly shall have power to provide for the holding of Chancery and Circuit Courts, and for the holding of courts having the jurisdiction of Circuit and Chancery Courts, or either of them, when the Chancellors or Judges thereof fail to attend regular terms.

## SECTION TWENTY-THREE.

Was read at length as follows and adopted :

Sec. 23. No Judge of any court of record in this State shall practice law in any of the courts of this State or of the United States.

## SECTION TWENTY-FOUR.

Was read at length as follows and adopted :

Sec. 24. Registers in chancery shall be appointed by the Chancellors of the respective divisions, and shall have been at least twelve months before their appointment, and shall be at the time of their appointment and during their continuance in office, resident citizens of the district for which they are appointed. They shall hold office for the term for which the Chancellor making such appointment was elected or appointed. Such registers shall receive as compensation for their services only such fees and commissions as may be specifically prescribed by law, which fees shall be uniform throughout the State.

## SECTION TWENTY-FIVE.

Was read at length as follows :

Sec. 25. The clerk of the Supreme Court shall be appointed by the Judges thereof, and shall hold office for the term of six years, and the clerks of such inferior courts as may be established by law shall be elected in such manner as the General Assembly may provide.

By unanimous consent the word "elected" in the third line was stricken out and the word "selected" was inserted in lieu of the same.

The minority report to Section 25, by Messrs. Walker, Hood, Jones of Hale, Tayloe, Davis of DeKalb, Fitts, Ashcraft, Leigh, Coleman of Walker, and Kirk was read as follows :

Sec. 25. The clerk of the Supreme Court shall be elected by the qualified electors of the State for a term of six years. Any vacancy in the office of such clerk

shall be filled by appointment by the Justices of the Supreme Court for the unexpired term. Said Clerk shall not, after the expiration of the term of the clerk now in office, receive to his use any fees, costs, perquisites of office or compensation other than a salary to be prescribed by law, which shall not be diminished during his official term.

Mr. Sanford offered the following substitute for the Section 25 and minority report:

Substitute for Section 25 of the report and minority report of the Committee on the Judiciary: The clerk of the Supreme Court shall be appointed by the Judges thereof, and shall hold the office for the term of six years unless sooner removed by the said court; and the clerks of such inferior courts as may be established by law, shall be appointed by the judges thereof, and shall hold office during the term of the judge making such appointment.

On motion of Mr. Cobb the substitute offered by Mr. Sanford and the minority report were laid upon the table.

Mr. Rogers, of Sumter, offered the following amendment to Section 25:

Amend Section 25 by adding at the end thereof the following:

The clerk of the Supreme Court shall not, after the expiration of the term of the clerk now in office, receive to his use any fees, costs, perquisites of office, or compensation other than a salary to be prescribed by law, which shall not be diminished during his official term.

Mr. Samford moved to table the amendment offered by Mr. Rogers of Sumter.

The motion prevailed.

Mr. Graham, of Talladega, raised the point of order that no quorum had voted on the motion to table, and demanded a call of the roll of the Convention, for the ascertainment of a quorum.

On a call of the roll of the Convention the following delegates answered to their names:

<b>Messrs. President,</b>	<b>Kirk,</b>
<b>Altman,</b>	<b>Kyle,</b>
<b>Banks,</b>	<b>Macdonald,</b>
<b>Barefield,</b>	<b>McMillan (Wilcox),</b>
<b>Beddow,</b>	<b>Merrill,</b>
<b>Blackwell,</b>	<b>Miller (Marengo),</b>
<b>Boone,</b>	<b>Miller (Wilcox),</b>
<b>Brooks,</b>	<b>Murphree,</b>
<b>Browne,</b>	<b>NeSmith,</b>
<b>Bulger,</b>	<b>Norman,</b>
<b>Burns,</b>	<b>Oates,</b>
<b>Byars,</b>	<b>Opp,</b>
<b>Cardon,</b>	<b>Palmer,</b>
<b>Carmichael (Colbert),</b>	<b>Pearce,</b>
<b>Carnathon,</b>	<b>Pettus,</b>
<b>Chapman,</b>	<b>Phillips,</b>
<b>Cobb,</b>	<b>Porter,</b>
<b>Coleman (Walker),</b>	<b>Reese,</b>
<b>Davis (Etowah),</b>	<b>Reynolds (Henry),</b>
<b>Dent,</b>	<b>Rogers (Sumter),</b>
<b>deGraffenried,</b>	<b>Samford,</b>
<b>Duke,</b>	<b>Sanford,</b>
<b>Eley,</b>	<b>Selheimer,</b>
<b>Espy,</b>	<b>Sentell,</b>
<b>Ferguson,</b>	<b>Smith (Mobile),</b>
<b>Fletcher,</b>	<b>Smith, Mac. A.,</b>
<b>Foshee,</b>	<b>Sorrell,</b>
<b>Gilmore,</b>	<b>Spragins,</b>
<b>Glover,</b>	<b>Stewart,</b>
<b>Graham (Montgomery),</b>	<b>Studdard,</b>
<b>Graham (Talladega),</b>	<b>Tayloe,</b>
<b>Grayson,</b>	<b>Vaughan,</b>
<b>Haley,</b>	<b>Waddell,</b>
<b>Handley,</b>	<b>Walker,</b>
<b>Heflin (Chambers),</b>	<b>Watts,</b>
<b>Heflin (Randolph),</b>	<b>Weakley,</b>
<b>Henderson,</b>	<b>Weatherly,</b>
<b>Hodges,</b>	<b>White,</b>
<b>Hood,</b>	<b>Whiteside,</b>
<b>Inge,</b>	<b>Wilson (Clarke),—81.</b>
<b>Jones (Bibb),</b>	

The Chair announced a quorum present, and that the motion to table Mr. Rogers amendment had prevailed, notwithstanding a quorum had not voted.

On motion of Mr. Smith, of Mobile, Section 25 was adopted.

#### SECTION TWENTY-SIX.

Was read at length as follows:

Sec. 26. Clerks of the Circuit Court shall be elected by the qualified electors in each county for the term of six years, and may, when appointed by the Chancellor, also fill the office of Register in Chancery. Vacancies in such office of clerk shall be filled by the Governor for the unexpired term.

By unanimous consent the minority report to Section 26 was withdrawn.

Mr. Oates offered the following amendment to Section 26:

Amend Section 26 by striking out of lines three and four the word "Governor" and inserting in lieu thereof the words "presiding judge of the circuit."

The amendment was adopted.

On motion of Mr. Smith, of Mobile, Section 26, as amended, was adopted.

#### ADJOURNMENT.

The hour of 7 o'clock having arrived, under the rules the Convention adjourned until 9 o'clock to-morrow morning.

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#### SIXTY-FOURTH DAY.

#### CONVENTION HALL.

Montgomery, Ala., Tuesday, August 6, 1901.

The Convention met pursuant to adjournment.  
Prayer was offered by Rabbi Messing of the city.



## ROLL CALL.

On a call of the roll of the Convention the following delegates answered to their names, which constituted a quorum :

Messrs. President,	Grayson,
Ashcraft,	Greer (Calhoun),
Barefield,	Greer (Perry),
Beddow,	Haley,
Blackwell,	Handley,
Boone,	Harrison,
Brooks,	Heflin (Chambers),
Browne,	Heflin (Randolph),
Bulger,	Henderson,
Byars,	Hood,
Cardon,	Howell,
Carmichael (Colbert),	Howze,
Carmichael (Coffee),	Inge,
Carnathon,	Jackson,
Chapman,	Jones (Wilcox),
Cobb,	Kirk,
Cofer,	Kirkland,
Coleman (Walker),	Knight,
Craig,	Kyle,
Cunningham,	Leigh,
Davis (Etowah),	Long (Walker),
Dent,	Macdonald,
deGraffenried,	McMillan (Wilcox),
Espy,	Malone,
Ferguson,	Maxwell,
Fitts,	Merrill,
Fletcher,	Miller (Marengo),
Foster,	Murphree,
Freeman,	NeSmith,
Gilmore,	Norman,
Glover,	Norwood,
Graham (Talladega),	Palmer,

Parker (Cullman),	Pearce,
Pettus,	Smith, Mac. A.
Phillips,	Sorrell,
Pitts,	Spears,
Proctor,	Tayloe,
Reese,	Vaughan,
Reynolds (Henry),	Waddell,
Samford,	Walker,
Sanders,	Watts,
Sanford,	Weakley,
Searcy,	Weatherly,
Selheimer,	White,
Sentell,	Whiteside,
Sloan,	Williams (Barbour),
Smith (Mobile),	Williams (Marengo)—94.

## LEAVE OF ABSENCE.

Was granted to Messrs. Bartlett and Case indefinitely; Moody for Monday, Tuesday and Wednesday; Davis of DeKalb Tuesday, Wednesday and Thursday; R. C. Jones, Wilcox, from 10 o'clock until the afternoon session; Morrisette for yesterday and to-day.

## PRIVILEGES OF THE FLOOR.

On motion of Mr. Rogers, of Sumter, the privileges of the floor were extended to Hon. F. S. Moody, ex-Senator; Hon. Hugh Morrow, State Senator from Jefferson; and to Hon. R. H. Arrington, State Senator from Coffee.

## REPORT OF THE COMMITTEE ON THE JOURNAL.

The chairman of the Committee on the Journal submitted the following report, which was concurred in:

The Committee on the Journal beg leave to report that they have examined the Journal for the sixty-third day of the Convention, and that the same is correct.

Respectfully submitted,

JOHN F. PROCTOR, *Chairman.*

## RESOLUTIONS ON FIRST READING.

The following resolutions were introduced, read one time and referred to appropriate committees as follows:

Resolution 286, by Mr. Samford:

Resolved, That no leaves of absence be granted except on account of sickness.

The resolution was referred to the Committee on Rules.

Resolution 287, by Mr. Ferguson:

Resolved, That the distinction between grand and petit larceny is narrow, technical and shadowy; and that the punishment as between the two said offenses is shockingly unequal.

The resolution was referred to the Committee on Judiciary.

REPORT OF THE COMMITTEE ON SCHEDULE, PRINTING AND  
INCIDENTAL EXPENSES.

Mr. Heflin, of Randolph, chairman of the Committee on Schedule, Printing and Incidental Expenses, called up for adoption the following report:

The Committee on Schedule, Printing and Incidental Expenses have instructed me to make the following partial report, viz.:

The committee has audited the accounts hereto attached, and find that the State of Alabama is indebted to the Brown Printing Co., of Montgomery, Ala., in the sum of \$68.75.

We find that said State is indebted to William H. Carrigan, of Montgomery, Ala., in the sum of \$3.

We find that said State is indebted to Robert Hasson, door keeper, in the sum of \$6.25.

We find that said State is indebted to Ed C. Fowler Company, of Montgomery, Ala., in the sum of \$20.

We find that said State is indebted to J. W. Terry of Montgomery, Ala., in the sum of \$5 for rent of type-writer up to July 24th.

We find that said State is indebted to Ed C. Fowler Co., of Montgomery, Ala., in the sum of \$5.46.

All the above amounts for printing done, for articles furnished the State of Alabama, for use of Constitutional Convention, and all of the above amounts are itemized as shown by the bills hereto attached. Total amount \$108.38, and we recommend the payment of the same. All of which is respectfully submitted.

JOHN T. HEFLIN.

Chairman of Committee on Schedule, Printing and Incidental Expenses.

Mr. Heflin, of Randolph, moved the adoption of the report, and that the President be authorized to draw his warrant on the State Treasurer for the several amounts and in favor of the several firms, and individuals set out in the above and foregoing report of the committee.

The motion prevailed, and the President was authorized to draw his warrant for the payment of the said amounts, set out in the above and foregoing report.

#### UNFINISHED BUSINESS.

The Convention proceeded to the consideration of the unfinished business, which was the report of the Committee on Judiciary.

#### SECTION TWENTY-SEVEN.

Was read at length as follows:

Sec. 27. The clerk of the Supreme Court and registers in Chancery may be removed from office by the Justices of the Supreme Court, and by the Chancellor respectively, for cause, to be entered at length upon the minutes of the court.

On motion of Mr. Hood the minority report to Section 27 was withdrawn.

On motion of Mr. Smith, of Mobile, Section 27 was adopted.

#### SECTION TWENTY-EIGHT.

Was read at length as follows:

Sec. 28. A Solicitor for each Judicial Circuit, or other territorial subdivision prescribed by the General Assembly, shall be elected by the qualified electors of such cir-

cuit or other territorial subdivision, who shall be learend in the law, and who shall, at the time of his election and during his continuance in office, reside in the circuit or other territorial subdivision for which he is elected, and whose term of office shall be for four years; provided, that this article shall not operate to abridge the term of any solicitor now in office; and, provided further, that the solicitors elected in the year 1904 shall hold office for six years, and until their successors are elected and qualified.

The minority report to Section 28, by Messrs. Lowe of Jefferson, Duke, Heflin of Randolph, Samford, Graham of Montgomery, Kirk, and Ferguson, was read at length as follows:

Sec. 28. A Solicitor for each Judicial Circuit or other territorial subdivision prescribed by the Legislature shall be elected by joint ballot of the Legislature, who shall, at the time of his election, and during his continuance in office, reside in the circuit or other territorial subdivision, for which he is elected, and whose term of office shall be for four years; and who shall be paid a salary to be fixed by law, and which shall not be increased or diminished during the term for which he is elected; provided, that nothing in this article shall operate to abridge the term or emoluments of any Solicitor now in office.

Mr. Samford offered the following amendment to the minority report:

Provided, that the Legislature may, when necessary, provide for the election or appointment of county solicitors.

By unanimous consent the amendment offered by Mr. Samford was adopted.

Mr. Ferguson offered the following amendment to the minority report:

To amend the minority report on Section 28 in line two, after the word "Legislature" by adding the words "who shall be learned in the law, and." And to amend the same in line four by striking out the word "four" and inserting in place thereof the word "six."

The amendment offered by Mr. Ferguson was adopted.

The minority report was thereupon adopted.

RECONSIDERATION.

Mr. NeSmith moved to reconsider the vote by which the amendments to the minority report were adopted.

On motion of Mr. deGraffenried the motion of Mr. NeSmith was laid upon the table.

Mr. Spragins offered the following amendment to Section 28:

Amend Section 28, as amended, by adding after the words "County Solicitor" the following: "Who shall be paid a salary to be fixed by law."

Mr. Barefield offered the following amendment to the amendment offered by Mr. Spragins, which was accepted by unanimous consent:

Amend the amendment of Mr. Spragins: Provided that this section shall not apply to deputy solicitors.

Mr. Ashcraft offered the following substitute for the section and the amendment offered by Mr. Spragins:

A Solicitor in each county shall be elected by the qualified electors therein, every four years, whose salary shall be fixed by law, according to the requirements in each county. The office of Circuit Solicitor shall cease at the termination of the terms of the present incumbents.

Mr. Heflin, of Chambers, moved to table the substitute and amendment.

A division of the question was demanded.

Mr. Spragins asked unanimous consent to withdraw his amendment.

Leave was granted, and the amendment of Mr. Spragins was withdrawn.

The motion to table was lost: Yeas, 44; nays, 65.

YEAS.

Messrs. President,	Coleman (Walker),
Banks,	deGraffenried,
Browne,	Duke,
Cardon,	Ferguson,
Carmichael (Colbert),	Foster,
Carmichael (Coffee),	Glover,
Carnathon,	Greer (Calhoun),
Cobb,	Haley,

Handley,  
Harrison,  
Heflin (Chambers),  
Heflin (Randolph),  
Howze,  
Inge,  
Jackson,  
Jenkins,  
Kirk,  
Kirkland,  
Knight,  
Long (Butler),  
Long (Walker),  
Macdonald,

Opp,  
Reese,  
Reynolds (Henry),  
Samford,  
Searcy,  
Selheimer,  
Sentell,  
Stewart,  
Vaughan,  
Weatherly,  
Whiteside,  
Williams (Marengo),  
Williams (Elmore),  
Wilson (Clarke)—44.

## NAYS.

Messrs. Ashcraft,  
Barefield,  
Beavers,  
Beddow,  
Blackwell,  
Boone,  
Brooks,  
Bulger,  
Byars,  
Chapman,  
Cofer,  
Cornwell,  
Craig,  
Davis (Etowah),  
Dent,  
Espy,  
Fitts,  
Fletcher,  
Freeman,  
Gilmore,  
Graham (Talladega),  
Grayson,  
Henderson,  
Hodges,

Howell,  
Jones (Bibb),  
Jones (Hale),  
Kyle,  
Lowe (Lawrence),  
McMillan (Baldwin),  
McMillan (Wilcox),  
Malone,  
Maxwell,  
Merrill,  
Miller (Marengo),  
Miller (Wilcox),  
Mulkey,  
Murphree,  
NeSmith,  
Norman,  
Oates,  
Palmer,  
Parker (Elmore),  
Pearce,  
Pettus,  
Phillips,  
Pitts,  
Porter.

Rogers (Sumter),  
 Sanders,  
 Sanford,  
 Sloan,  
 Smith, Mac. A.,  
 Smith, Morgan M.,  
 Sorrell,  
 Spears,

Spragins,  
 Studdard,  
 Tayloe,  
 Waddell,  
 Walker,  
 Watts,  
 Weakley,  
 White—65.

PAIRS ANNOUNCED.

The following pairs were announced :

Messrs. Graham of Montgomery and Hood, Lomax and Smith of Mobile, Morrisette and Thompson, Burns and Bartlett. Messrs. Graham of Montgomery, Lomax, Morrisette and Burns would vote aye ; and Messrs. Hood, Smith of Mobile, Thompson and Bartlett would vote nay.

The question recurred upon the adoption of the substitute offered by Mr. Ashcraft.

The substitute offered by Mr. Ashcraft was adopted.

RECONSIDERATION.

Mr. deGraffenried gave notice that on to-morrow he would move to reconsider the vote by which the substitute of Mr. Ashcraft was adopted.

Section 28, as amended, was, on motion of Mr. Smith, of Mobile, adopted.

SECTION TWENTY-NINE.

Was read at length as follows :

Sec. 29. In each precinct not lying within, or partly within, any city or incorporated town of more than 2,500 inhabitants, there shall be elected, by the qualified electors of such precinct not exceeding two Justices of the Peace and one Constable. Where one or more precincts lie within, or partly within, a city or incorporated town having more than 2,500 inhabitants, the General As-



sembly may provide by law for the election of not more than two Justices of the Peace and one Constable, for each of such precincts, or an inferior court for such precinct or precincts, in lieu of all Justices of the Peace therein. Justices of the Peace, and the inferior courts herein provided for, shall have jurisdiction in all civil cases where the amount in controversy does not exceed \$100, except in cases of libel, slander, assault and battery, and ejectment. The General Assembly may provide by law what fees may be charged by Justices of the Peace and Constables, which fees shall be uniform throughout the State. The right of appeal from any judgment of a Justice of the Peace, or from any inferior court authorized by this section, without the prepayment of costs, and also in the term of office of such Justices, and of the Judges of such inferior courts, and of Notaries Public, shall be provided for by law. The Governor may appoint Notaries Public without the powers of a Justice of the Peace, and may, except where otherwise provided by an act of the General Assembly, appoint not more than one Notary Public with all of the powers and jurisdiction of a Justice of the Peace for each precinct in which the election of Justices of the Peace shall be authorized.

The following minority report by Mr. Jones, of Hale, was read as follows:

The undersigned member of the committee, differs from the majority as to Section 29 of said report, and would suggest the following change in the last paragraph of the section:

Strike out the word "except" and strike out the word "otherwise" in the last paragraph of Section 29.

On motion of Mr. Smith, of Mobile, the minority report was laid upon the table.

Mr. Williams, of Marengo, offered the following amendment to Section 29:

Amend Section 29 of the report of the Committee on Judiciary by striking out in the eighth line the words "and the inferior court herein provided for," and by inserting after the word "ejectment" in the tenth line, the following: "And the inferior courts herein provided for

shall have such jurisdiction as may be conferred on them by law."

Mr. Cobb offered the following substitute for the amendment offered by Mr. Williams, of Marengo, which was accepted

By striking out the words "and the inferior courts herein provided for" in the eighth line of the original section; and by adding after the word "law" in the fifteenth line, the following: "Such inferior courts shall have jurisdiction of Justices of the Peace, except that in civil cases, they shall have jurisdiction where the amount involved does not exceed \$250."

Mr. Vaughan offered the following substitute for the Section 29 and the substitute offered by Mr. Cobb:

There shall be elected by the qualified electors of each precinct of the counties not exceeding two Justices of the Peace and one Constable. Such Justices shall have jurisdiction in all civil cases wherein the amount in controversy does not exceed \$100, except in cases of libel, slander, assault and battery and ejectment.

In all cases tried before such Justices, the right of appeal, without prepayment of cost shall be secured by law; provided, that in incorporated cities or towns having 2,000 inhabitants or more the General Assembly may provide an inferior court of record for such city or town in lieu of all Justices of the Peace therein, and such inferior court shall have the jurisdiction of Justices of the Peace. Appeals from such inferior court may be taken to the Circuit or City Court; provided further that the Governor may appoint one Notary Public for each election precinct and from each ward in cities of over 5,000 inhabitants without the jurisdiction of Justices of the Peace, and the term of such Notaries shall be prescribed by law.

Mr. Graham, of Montgomery, moved to table the amendment of Mr. Williams, of Marengo, and the substitute offered by Mr. Vaughan.

A division of the question was demanded.

The question recurred upon the adoption of the substitute offered by Mr. Vaughan.

The substitute was lost.

The question recurred upon the adoption of the amendment offered by Mr. Williams, of Marengo, as amended by the substitute offered by Mr. Cobb.

The amendment of Mr. Williams, of Marengo, was lost.

Mr. Reese offered the following amendment to Section 29:

Insert after the word "libel" in tenth line, the words "and the jurisdiction of such superior court shall extend over and include all precincts next contiguous thereto.

The amendment of Mr. Reese was lost.

Mr. Waddell offered the following amendment to Section 29:

Amend by adding the following at the end of Section: Provided that Justices of the Peace shall not have final jurisdiction in criminal cases.

On motion of Mr. Greer, of Calhoun, the amendment was laid upon the table.

Mr. deGraffenried offered the following amendment to Section 29:

Amend Section 29 of the report of the Committee on Judiciary by striking out in lines two and five thereof the words "twenty-five hundred" and inserting in place thereof the words "fifteen hundred."

The amendment offered by Mr. deGraffenried was adopted.

On motion of Mr. Smith, of Mobile, Section 29 was adopted.

### SECTION THIRTY.

Was read at length as follows:

Sec. 30. The Attorney General shall be elected by the qualified electors of the State at the same time and places of election of members of the General Assembly, whose term of office shall be for four years and until his successor is elected and qualified. After his election he shall reside at the seat of government, shall be the law officer of the State, and shall perform such duties as may be required of him by law.

Mr. Coleman, of Greene, offered the following amendment to Section 30, which was adopted.

Amend by adding after the words "~~seat of government~~" the words "during his term of office."

On motion of Mr. Walker the words "after his election" was stricken out in the third and fourth lines.

On motion of Mr. Smith, of Mobile, Section 30 was adopted.

#### SECTION THIRTY-ONE.

Was read at length as follows and adopted :

Sec. 31. The style of all process shall be "The State of Alabama" and all prosecutions shall be carried on in the name and by the authority of the same, and shall conclude "Against the peace and dignity of the State."

Mr. Samford offered the following amendment, to constitute a new section :

Amend the article by adding "nothing in this article shall be so construed as to effect the term of office of any officer now in office."

Mr. Burns offered the following amendment to the amendment offered by Mr. Samford :

No judiciary officer shall ever be interested in the termination of any criminal cause which may be tried before him.

On motion of Mr. Samford the amendment offered by Mr. Burns was laid upon the table.

The amendment offered by Mr. Samford was adopted.

Mr. Ashcraft offered the following amendment, to constitute a new section :

All fees in excess of a salary to be fixed by law collected by the clerk of the Supreme Court shall be by such clerk turned into the State Treasury for the credit of the general fund of the State.

#### RECESS.

Pending the further consideration of the Committee on Judiciary, the hour of 1 o'clock p. m. arrived, and under the rules the Convention recessed until 3:30 this afternoon.

## AFTERNOON SESSION.

The Convention met pursuant to adjournment.

## ROLL CALL.

On a call of the roll of the Convention the following delegates answered to their names, which constituted a quorum :

Messrs. President,	Handley,
Ashcraft,	Harrison,
Barefield,	Heflin (Chambers),
Beavers,	Heflin (Randolph),
Beddow,	Henderson,
Bethune,	Hodges,
Blackwell,	Hood,
Boone,	Howell,
Brooks,	Howze,
Browne,	Inge,
Burns,	Jones (Bibb),
Byars,	Kirkland,
Carnathon,	Kyle,
Chapman,	Lomax,
Cobb,	Long (Walker),
Coleman (Greene),	Macdonald,
Coleman (Walker),	McMillan (Baldwin),
Craig,	McMillan (Wilcox),
Cunningham,	Malone,
Dent,	Maxwell,
deGraffenried,	Merrill,
Duke,	Miller (Marengo),
Eley,	Miller (Wilcox),
Espy,	Mulkey,
Fletcher,	Murphree,
Foster,	Norman,
Gilmore,	Norwood,
Glover,	Oates,
Graham (Talladega),	Opp,
Grayson,	O'Rear,
Greer (Calhoun),	Palmer,

Pearce,  
 Pettus,  
 Phillips,  
 Porter,  
 Reese,  
 Reynolds (Henry),  
 Rogers (Sumter),  
 Samford,  
 Sanders,  
 Sanford,  
 Searcy,  
 Selheimer,  
 Sentell,  
 Sloan,  
 Smith (Mobile),  
 Smith, Mac. A.

Sorrell,  
 Stewart,  
 Studdard,  
 Tayloe,  
 Thompson,  
 Vaughan,  
 Waddell,  
 Walker,  
 Watts,  
 Weakley,  
 Weatherly,  
 Whiteside,  
 Williams (Barbour),  
 Williams (Marengo),  
 Williams (Elmore),  
 Wilson (Clarke)—93.

#### RECOMMITTAL OF ORDINANCES.

On motion of Mr. deGraffenried, ordinance No. 423 was recommitted to the Committee on Banks and Banking.

#### UNFINISHED BUSINESS.

The Convention proceeded to the consideration of the unfinished business, which was the report of the Committee on Judiciary.

The question recurred upon the adoption of the amendment offered by Mr. Ashcraft, to constitute a new section to the article of the report of the Committee on Judiciary.

On motion of Mr. Smith, of Mobile, the amendment offered by Mr. Ashcraft was laid upon the table.

Mr. Oates offered the following amendment, to constitute a new section, to the Article on Judiciary:

Amend article of the Judiciary Department by adding the following section thereto:

Sec. —. The Legislature shall have power to abolish any court except the Supreme and Probate Courts,

whenever necessary, from any cause, or its jurisdiction and functions have been conferred upon some other court.

The amendment was adopted.

Mr. Reese offered the following amendment, to constitute a new section, to the Article on Judiciary:

Sec. 34. The Legislature may, by law, change the mode of selecting the Solicitor of any county or may provide for the appointment of such officer.

On motion of Mr. Smith, of Mobile, the amendment was laid upon the table.

Mr. Mulkey offered the following amendment, to constitute a new section, to the Article on Judiciary:

Sec. 34. Any Justice of the Peace, or Notary Public, exercising the powers and duties of a Justice of the Peace, who, for a consideration or reward, compromises, or consents to a compromise, of any criminal case pending in his court, shall be guilty of a misdemeanor, and shall also be liable therefor to impeachment under the provisions of this Constitution.

On motion of Mr. Smith, of Mobile, the amendment was laid upon the table.

Mr. Oates offered the following amendment, to constitute a new section to the Article on Judiciary:

Sec. —. It shall be the duty of the Legislature to provide for the appointment and compensation of a competent number of court stenographers, who shall act under oath, and whose duty it shall be to take stenographically and typewrite all the evidence in criminal cases, as may be prescribed by law.

On motion of Mr. Smith, of Mobile, the amendment was laid upon the table.

Mr. Williams, of Elmore, offered the following amendment, to constitute a new section to the Article on Judiciary:

Amend by adding Section 35 to said article as follows:

The compensation of the Judges of the Supreme Court shall be \$5,000 per annum; Judges of the Circuit Courts and the Chancellors shall be \$3,000 per annum.

On motion of Mr. Walker the amendment was laid upon the table.

Mr. Oates offered the following amendment, to constitute a new section to the Article on Judiciary:

Sec. —. A Grand Jury, authorized by law, in any of the courts of this State, shall consist of not less than eighteen qualified persons, ten of whom shall concur in order to find a bill of indictment; and in all cases of lynching and felonies, which, upon conviction, may be punished capitally, if the first Grand Jury sitting within the jurisdiction, after the commission of such offense, fails to find a bill of indictment, the Solicitor for the State shall, under oath, disclose the substance of all the evidence in such case, which was before such Grand Jury, to the Judge presiding and holding such court, and thereupon if he be of opinion that an indictment should have been found and returned into court by such Grand Jury he shall enter an order upon the trial docket of said court directing the Solicitor to proceed against the suspected parties by information, as may be prescribed by law.

On motion of Mr. Smith, of Mobile, the amendment offered by Mr. Oates was laid upon the table.

Mr. Burns offered the following amendment, to constitute a new section to the Article on Judiciary:

In the trial of all cases before any judicial officer the compensation of the trial Judge or Justice shall be the same, whether or not the defendant be convicted or discharged.

On motion of Mr. Smith of Mobile the amendment offered by Mr. Burns was laid upon the table.

Mr. Wilson, of Clarke, offered the following amendment, to constitute a new section, to the Article on Judiciary:

Sec. —. It shall be the duty of the Legislature to provide for taking down and preserving verbatim reports of the evidence in criminal and civil cases.

Mr. Wilson, of Clarke, offered the following amendment to the amendment offered by himself:

Amend by adding at the end thereof "in Circuit Courts or courts of like jurisdiction."

Mr. Coleman, of Greene, moved to table the amendment offered by Mr. Wilson, of Clarke.

The motion to table was lost: Yeas, 52; nays, 60.



## YEAS.

Messrs. Ashcraft,  
 Beavers,  
 Beddow,  
 Bethune,  
 Boone,  
 Burns,  
 Carnathon,  
 Chapman,  
 Cobb,  
 Coleman (Greene),  
 Coleman (Walker),  
 Eley,  
 Ferguson,  
 Fletcher,  
 Greer (Calhoun),  
 Handley,  
 Heflin (Randolph),  
 Henderson,  
 Howze,  
 Inge,  
 Jones (Bibb),  
 Jones (Wilcox),  
 Kirk,  
 Kirkland,  
 Lomax,  
 Lowe (Lawrence),

Macdonald,  
 McMillan (Wilcox),  
 Merrill,  
 Miller (Marengo),  
 Miller (Wilcox),  
 Opp,  
 O'Rear,  
 Palmer,  
 Parker (Cullman),  
 Pearce,  
 Reynolds (Henry),  
 Samford,  
 Searcy,  
 Selheimer,  
 Sentell,  
 Smith (Mobile),  
 Smith, Mac. A.,  
 Smith, Morgan M.,  
 Sorrell,  
 Spragins,  
 Stewart,  
 Vaughan,  
 Walker,  
 Watts,  
 Williams (Barbour),  
 Williams (Marengo)—52.

## NAYS

Messrs. President,  
 Banks,  
 Barefield,  
 Blackwell,  
 Brooks,  
 Browne,  
 Bulger,  
 Byars,  
 Cardon,  
 Carmichael (Colbert),

Carmichael (Coffee),  
 Cofer,  
 Cornwell,  
 Craig,  
 Cunningham,  
 Dent,  
 deGraffenried,  
 Duke,  
 Espy,  
 Fitts,

Foster,  
Freeman,  
Gilmore,  
Glover,  
Graham (Montgomery),  
Graham (Talladega),  
Grayson,  
Haley,  
Harrison,  
Heflin (Chambers),  
Hodges,  
Hood,  
Howell,  
Jackson,  
Knight,  
Kyle,  
Long (Walker),  
McMillan (Baldwin),  
Malone,  
Maxwell,

Mulkey,  
Murphree,  
Norman,  
Norwood,  
Oates,  
Parker (Elmore),  
Pettus,  
Pitts,  
Porter,  
Rogers (Sumter),  
Sanders,  
Sanford,  
Tayloe,  
Thompson,  
Waddell,  
Weakley,  
Weatherly,  
White,  
Whiteside,  
Wilson (Clarke)—60.

The question recurred upon the adoption of the amendment to the amendment offered by Mr. Wilson, of Clarke.

The amendment was adopted.

The question then recurred upon the adoption of the amendment offered by Mr. Wilson, of Clarke, as amended by the amendment offered by himself.

The amendment was lost: Yeas, 45; nays, 70.

YEAS.

Messrs. President,  
Banks,  
Barefield,  
Blackwell,  
Brooks.  
Browne,  
Byars,  
Cardon.  
Carmichael (Colbert),

Carmichael (Coffee),  
Cornwell,  
Craig,  
Davis (Etowah),  
Dent,  
deGraffenried,  
Duke,  
Espy,  
Fitts,

Freeman,  
 Gilmore,  
 Glover,  
 Graham (Talladega),  
 Haley,  
 Hood,  
 Jackson,  
 Kyle,  
 Long (Walker),  
 McMillan (Baldwin),  
 Malone,  
 Maxwell,  
 Mulkey,  
 Murphree,

Norman,  
 Norwood,  
 Parker (Elmore),  
 Pitts,  
 Porter,  
 Sanders,  
 Thompson,  
 Waddell,  
 Weakley,  
 Weatherly,  
 Whiteside,  
 Williams (Elmore),  
 Wilson (Clarke)—45.

#### NAYS.

Messrs. Ashcraft,  
 Beavers,  
 Beddow,  
 Bethune,  
 Boone,  
 Bulger,  
 Burns,  
 Carnation,  
 Chapman,  
 Cobb,  
 Coleman (Greene),  
 Coleman (Walker),  
 Cunningham,  
 Eley,  
 Ferguson,  
 Fletcher,  
 Foster,  
 Graham (Montgomery),  
 Grayson,  
 Greer (Calhoun),  
 Handley,  
 Harrison,  
 Heflin (Chambers),  
 Heflin (Randolph),

Henderson,  
 Hewell,  
 Howze,  
 Inge,  
 Jones (Bibb),  
 Jones (Wilcox),  
 Kirk,  
 Kirkland,  
 Knight,  
 Lomax,  
 Lowe (Lawrence),  
 Macdonald,  
 McMillan (Wilcox),  
 Merrill,  
 Miller (Marengo),  
 Miller (Wilcox),  
 Oates,  
 O'Rear,  
 Palmer,  
 Parker (Cullman),  
 Pearce,  
 Pettus,  
 Reese,

Reynolds (Henry),	Sorrell,
Rogers (Sumter),	Spears,
Samford,	Spragins,
Sanford,	Stewart,
Searcy,	Tayloe,
Selheimer,	Vaughan,
Sentell,	Walker,
Sloan,	Watts,
Smith (Mobile),	White,
Smith, Mac. A.	Williams (Barbour),
Smith, Morgan M.,	Williams (Marengo)—70.

Mr. Whiteside offered the following amendment, to constitute a new section to the Article on Judiciary:

Sec. —. After suit has been commenced on any cause of action the Legislature shall have no power to take away such cause of action, or to destroy any defense that may exist, to any suit after such suit has been commenced.

The amendment offered by Mr. Whiteside was adopted.

#### RECONSIDERATION.

Mr. Dent gave notice that on to-morrow he would move to reconsider the vote by which the following amendment was adopted:

Sec. —. The Legislature shall have power to abolish any court, except the Supreme Court and Probate Courts, whenever necessary, from any cause, or its jurisdiction and functions have been conferred upon some other court.

Mr. Smith, of Mobile, moved that the article reported by the Committee on Judiciary be ordered engrossed for a third reading.

By unanimous consent the motion of Mr. Smith, of Mobile, was laid upon the table, to be considered on to-morrow, after the disposition of the motion to reconsider certain sections of said article.

## SPECIAL ORDER.

The Convention proceeded to the consideration of the special order, which was the resolution 194, by Mr. Morrisette.

The resolution was read as follows:

Resolved by the people of Alabama, in Convention assembled, that the next General Assembly of Alabama shall reduce the tax on fertilizer to 10 cents per ton.

Resolved further, That the General Assembly at the same time shall provide for the support of the various Agricultural Schools in this State out of the general fund of the State.

Mr. Greer, of Calhoun, offered the following substitute for the resolution:

Resolved, by the people of Alabama, in Convention assembled, That the next Legislature of Alabama shall fix the tax on fertilizer at \$1.00 per ton.

Resolved further, that the Legislature at the same time shall provide for the establishment and support of an Agricultural School in each county in the State where such Agricultural School has not been established heretofore; and that such schools be maintained and supported out of the fund raised by said fertilizer tax.

Mr. Pearce offered the following substitute for the resolution and the substitute offered by Mr. Greer, of Calhoun:

Be it ordained by the people of Alabama in Convention assembled that after January 1, 1903, no tax on fertilizer in excess of 10 cents per ton shall be levied on the sale or manufacture of fertilizers in this State; that the proceeds arising from such tax shall be used exclusively for the benefit of the farmers of the State.

On motion of Mr. Heflin, of Chambers, the substitute offered by Mr. Pearce was laid upon the table.

On motion of Mr. Heflin, of Chambers, the amendment of Mr. Greer, of Calhoun, was laid upon the table.

Mr. Espy offered the following amendment to the resolution:

Amend by striking therefrom the following words:

Resolved further, that the General Assembly, at the same time shall provide for the support of the various Agricultural Schools in this State out of the general fund of the State.

Mr. Vaughan moved to table the amendment and resolution.

#### ADJOURNMENT.

Pending the further consideration of resolution 194, the hour of 7 o'clock p. m. arrived, and under the rules the Convention adjourned until 9 o'clock to-morrow morning.

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### SIXTY-FIFTH DAY.

#### CONVENTION HALL.

Montgomery, Ala., Wednesday, August 7, 1901.

The Convention met pursuant to adjournment.  
Prayer was offered by Rabbi Messing of the city.

#### ROLL CALL.

On a call of the roll of the Convention the following delegates answered to their names, which constituted a quorum :

Messrs. President,  
Ashcraft,  
Barefield,  
Beddow,  
Bethune,  
Blackwell,  
Boone,  
Brooks,  
Browne,  
Bulger,

Byars,  
Cardon,  
Carmichael (Colbert),  
Carmichael (Coffee),  
Chapman,  
Cobb,  
Coleman (Greene),  
Coleman (Walker),  
Craig,  
Cunningham,

Dent,  
 deGraffenried,  
 Eley,  
 Espy,  
 Ferguson,  
 Fitts,  
 Foshee,  
 Foster,  
 Gilmore,  
 Glover,  
 Graham (Montgomery),  
 Graham (Talladega).  
 Grayson,  
 Greer (Calhoun),  
 Haley,  
 Handley,  
 Harrison,  
 Heflin (Chambers),  
 Heflin (Randolph),  
 Henderson,  
 Hood,  
 Howell,  
 Howze,  
 Inge,  
 Jackson,  
 Jenkins,  
 Jones (Bibb),  
 Jones (Wilcox),  
 Kirk,  
 Kirkland,  
 Knight,  
 Kyle,  
 Ledbetter,  
 Locklin,  
 Lomax,  
 Long (Butler),  
 Long (Walker),  
 Lowe (Jefferson),  
 Macdonald,  
 McMillan (Baldwin),  
 McMillan (Wilcox),  
 Malone,  
 Maxwell,

Mernill,  
 Miller (Marengo),  
 Miller (Wilcox),  
 Murphree,  
 NeSmith,  
 Norman,  
 Norwood,  
 Oates,  
 O'Neal (Lauderdale),  
 Opp,  
 O'Rear,  
 Palmer,  
 Parker (Cullman),  
 Parker (Elmore),  
 Pitts,  
 Porter,  
 Reynolds (Henry),  
 Rogers (Sumter),  
 Samford,  
 Sanders,  
 Sanford,  
 Searcy,  
 Selheimer,  
 Sentell,  
 Sloan,  
 Smith (Mobile),  
 Smith, Mac. A.,  
 Smith, Morgan M.,  
 Sorrell,  
 Stewart,  
 Studdard,  
 Tayloe,  
 Vaughan,  
 Waddell,  
 Walker,  
 Weakley,  
 Weatherly,  
 White,  
 Whiteside,  
 Williams (Barbour),  
 Williams (Marengo),  
 Williams (Elmore)—105..

## LEAVE OF ABSENCE.

Was granted to Messrs. Reese for to-day; Sollie and Leigh indefinitely.

## REPORT OF THE COMMITTEE ON THE JOURNAL.

The chairman of the Committee on the Journal submitted the following report, which was concurred in:

The Committee on the Journal beg leave to report that they have examined the Journal for the sixty-fourth day of the Convention and that the same is correct.

Respectfully submitted.

JOHN F. PROCTOR, *Chairman.*

## RESOLUTIONS ON FIRST READING.

The following resolution was introduced, read one time at length, and referred to appropriate committee, as follows:

Resolution No. 288, by Mr. Long, of Walker:

Whereas, The delegates to this Convention appreciate the consideration of the Montgomery Street Railway Company in not making said delegates wait at the Capitol steps for a car more than fifteen or twenty minutes in the hot sun every day when the Convention adjourns at 1 o'clock, and seldom less than fifteen minutes at Court Square for a transfer car; and

Whereas, the sagacious business management of the said Street Railway Company is catering to the additional passenger traffic caused by the daily sessions of the Conventions, with their modern, noiseless, roomy, high class cars, is deserving of attention; and

Whereas, It adds to the pleasure of a ride down Dexter avenue when the thermometer is 104 to have seventeen to twenty-five delegates standing in the aisle and two or three of more than average weight occupying each narrow seat;

Therefore, Be it resolved, That the thanks of this Convention be not tendered to the Montgomery Street Railroad Company for their great courtesy, consideration and efficiency in hauling delegates and visitors to the Convention in modern and elegantly furnished cars who have always paid full fare.



The resolution was referred to the Committee on Incidental Expenses.

ORDINANCES ON FIRST READING.

The following ordinances were introduced, severally read one time at length, and referred to appropriate committees, as follows:

Ordinance No. 443, by Mr. Williams, of Marengo:

Be it ordained by the Convention, that no Solicitor shall be eligible for reelection as his successor; provided, this shall not apply to present incumbents, who shall at the next election be eligible to succeed themselves.

The ordinance was referred to the Committee on Judiciary.

Ordinance No. 444, by Mr. deGraffenried:

Be it ordained by the people of Alabama, in Convention assembled, That Section 28 of the article on the Judiciary heretofore adopted by this Convention be stricken therefrom, and the following inserted therein in lieu of said section:

A Solicitor for each Judicial Circuit, or other territorial subdivision prescribed by the General Assembly, shall be selected, in the manner to be provided by law for such circuit, or other territorial subdivision, who shall be learned in the law, and who shall, at the time of his selection and during his continuance in office reside in the circuit or other territorial subdivision for which he is selected and whose term of office shall be for four years; provided, that this article shall not operate to abridge the term of any Solicitor now in office.

The ordinance was referred to the Committee on Judiciary.

RECONSIDERATION.

Mr. Dent moved to reconsider the vote by which the section, offered by Mr. Oates to the Committee on Judiciary, was adopted on yesterday.

The motion prevailed, and the section was reconsidered.

Mr. Dent offered the following amendment to the section offered by Mr. Oates, which was adopted:

Amend section — adopted yesterday, giving the Legislature the power to abolish certain courts by striking from said section the following words: "Necessary from any cause or."

On motion of Mr. Dent the section, as amended, was adopted.

## RECONSIDERATION.

Mr. deGraffenried moved to reconsider the vote by which Section 28 was adopted.

On motion of Mr. Graham, of Talladega, the motion of Mr. deGraffenried was laid upon the table: Yeas, 63; nays, 59.

## YEAS.

Messrs. Ashcraft,	Hood,
Banks,	Howell,
Beavers,	Jones (Bibb),
Beddow,	Kyle,
Bethune,	Ledbetter,
Blackwell,	Lowe (Lawrence),
Boone,	McMillan (Wilcox),
Bulger,	Malone,
Byars,	Maxwell,
Chapman,	Merrill,
Cofer,	Miller (Marengo),
Cornwell,	Miller (Wilcox),
Craig,	Mulkey,
Davis (Etowah),	Murphree,
Dent,	NeSmith,
Espy,	Oates,
Fitts,	Palmer,
Fletcher,	Parker (Elmore),
Foshee,	Pettus,
Freeman,	Phillips,
Gilmore,	Pitts.
Graham (Talladega),	Porter,
Grayson,	Reynolds (Chilton),
Henderson,	Rogers (Sumter),

Sanders,  
Sloan,  
Smith (Mobile),  
Smith, Mac. A.,  
Smith, Morgan M.  
Sorrell,  
Spears,  
Spragins,

Studdard,  
Tayloe,  
Waddell,  
Walker,  
Watts,  
Weakley,  
White—63.

# NAYS.

Messrs. President,  
Barefield,  
Browne,  
Burnett,  
Cardon,  
Carmichael (Colbert),  
Carmichael (Coffee),  
Carnathon,  
Cobb,  
Coleman (Greene),  
Coleman (Walker),  
Cunningham,  
deGraffenried,  
Duke,  
Eley,  
Eyster,  
Ferguson,  
Foster,  
Glover,  
Graham (Montgomery),  
Grant,  
Greer (Calhoun),  
Haley,  
Handley,  
Harrison,  
Heflin (Chambers),  
Heflin (Randolph),  
Howze,  
Inge,  
Jackson,

Jenkins,  
Jones (Wilcox),  
Kirk,  
Kirkland,  
Knight,  
Lomax,  
Long (Butler),  
Long (Walker),  
Lowe (Jefferson),  
Macdonald,  
McMillan (Baldwin),  
Norwood,  
Opp,  
O'Rear,  
Parker (Cullman),  
Pearce,  
Reynolds (Henry),  
Samford,  
Sanford,  
Searcy,  
Selheimer,  
Sentell,  
Stewart,  
Weatherly,  
Whiteside,  
Williams (Barbour),  
Williams (Marengo),  
Williams (Elmore),  
Wilson (Clarke)—59.

## PAIRS ANNOUNCED.

The following pairs were announced :

Messrs. Brooks and Reese, Bartlett and Burns, Thompson and Wilson of Washington, Hodges and Vaughan. Messrs. Brooks, Bartlett, Thompson and Hodges would vote aye, and Messrs. Reese, Burns, Wilson of Washington, and Vaughan would vote nay.

Mr. Oates offered the following amendment, to constitute a new section to the Article on Judiciary :

Sec. —. It shall be the duty of the Legislature to provide by law for the appointment and compensattion of a competent number of stenographers as court reporters of evidence and proceedings and to prescribe the duties to be performed by them.

On motion of Mr. Samford the amendment offered by Mr. Oates was laid upon the table.

On motion of Mr. Smith, of Mobile, the words "General Assembly" were stricken out wherever they occur in the report of the Committee on Judiciary, and the word "Legislature" was inserted in lieu of the same.

The Article on Judiciary was, on motion of Mr. Smith, of Mobile, ordered to a third reading for adoption.

## RECONSIDERATION.

Mr. deGraffenried moved to reconsider the vote by which the Article on Judiciary was ordered to a third reading, which motion goes over until to-morrow.

## UNFINISHED BUSINESS.

The Convention proceeded to the consideration of the unfinished business, which was Resolution 194.

The question recurred upon the motion of Mr. Vaughan to table the resolution and the amendinment offered by Mr. Espy.

A division of the question was demanded.

The amendment offered by Mr. Espy was laid upon the table: Yeas, 76; nays, 42.

## YEAS.

Messrs. President,	Kirk,
Ashcraft,	Kyle,
Banks,	Ledbetter,
Barefield,	Lomax,
Beddow,	Long (Walker),
Bethune,	Lowe (Lawrence),
Blackwell,	Malone,
Boone,	Merrill,
Brooks,	Miller (Marengo),
Browne,	Miller (Wilcox),
Burnett,	Norman,
Byars,	Norwood,
Carnathon,	Opp,
Cobb,	O'Rear,
Coleman (Greene),	Palmer,
Coleman (Walker),	Parker (Cullman),
Cornwell,	Parker (Elmore),
Craig,	Pettus,
Davis (Etowah),	Phillips,
deGraffenried,	Pitts,
Eley,	Samford,
Eyster,	Sanders,
Fletcher,	Sanford,
Foshee,	Searcy,
Freeman,	Selheimer,
Graham (Talladega),	Smith (Mobile),
Grayson,	Spears,
Haley,	Stewart,
Handley,	Tayloe,
Harrison,	Vaughan,
Hinson,	Waddell,
Hood,	Walker,
Howell,	Watts,
Howze,	Weakley,
Inge,	Weatherly,
Jenkins,	Williams (Marengo),
Jones (Bibb),	Williams (Elmore),
Jones (Wilcox),	Wilson (Clarke)—76.

## NAYS.

Messrs. Beavers,	Kirkland,
Bulger,	Macdonald,
Burns,	McMillan (Wilcox),
Cardon,	Maxwell,
Carmichael (Colbert),	Mulkey,
Carmichael (Coffee),	Murphree,
Chapman,	NeSmith,
Cunningham,	Oates,
Dent,	Pearce,
Duke,	Reynolds (Chilton),
Espy,	Reynolds (Henry),
Fitts,	Sentell,
Foster,	Smith, Mac. A.,
Glover,	Smith, Morgan M.,
Graham (Montgomery),	Sorrell,
Grant,	Spragins,
Greer (Calhoun),	Studdard,
Heflin (Chambers),	Thompson,
Heflin (Randolph),	White,
Henderson,	Whiteside,
Jackson,	Williams (Barbour)—42.

The question recurred upon the adoption of the original resolution.

The resolution was, on motion of Mr. Vaughan, laid upon the table.

## ORDINANCE ON THIRD READING.

Mr. Carmichael, of Colbert, asked unanimous consent to call up Ordinance 409, introduced by himself, for adoption, which was read at length as follows:

An ordinance to provide for the filing and arranging of the papers and documents, pertaining to the Constitutional Convention, by the Secretary of the Convention; also to provide for the delivery by the Secretary of a correct copy of the Journal of the Convention to the public printer with a proper index thereto; also to provide for the superintendence of the printing of said

Journal by the Secretary; also to make appropriations for the compensation of said Secretary for his services.

Be it ordained by the people of Alabama in Convention assembled, that the Secretary of this Convention shall within forty days after its adjournment file, label and arrange the Journal of said Convention and all papers and documents pertaining to said Convention in the office of the Secretary of State. He shall also copy and deliver to the public printer the Journal of said Convention with a proper index thereto within said forty days. He shall also superintend the printing, and read and correct the proof of said Journal.

Be it further resolved, that for the services herein required of said Secretary he shall receive the sum of \$500 and upon the production by the said Secretary of the receipt of the Secretary of State for such papers, Journal and documents so required to be filed and labeled together with the receipt of the public printer for a copy of the Journal of the Convention, the State Auditor shall draw his warrant upon the State Treasury for said amount herein provided, and the said warrant shall be paid by the State Treasurer.

Be it further resolved, That there is hereby appropriated out of any money in the State Treasury not otherwise appropriated the sum of \$500 for the compensation of the said Secretary for the said services herein required of him.

The ordinance, 409, was thereupon adopted. Yeas, 103; nays, 0.

#### YEAS.

Messrs. President,  
Ashcraft,  
Barefield,  
Beavers,  
Beddow,  
Bethune,  
Blackwell,  
Boone,

Brooks,  
Browne,  
Bulger,  
Burns,  
Byars,  
Cardon,  
Carmichael (Colbert),  
Carmichael (Coffee),

Chapman,  
Cobb,  
Cofer,  
Coleman (Greene),  
Coleman (Walker),  
Cornwell,  
Craig,  
Davis (Etowah),  
Dent,  
deGraffenried,  
Duke,  
Eley,  
Eyster,  
Espy,  
Fletcher,  
Foshee,  
Foster,  
Freeman,  
Graham (Montgomery),  
Graham (Talladega),  
Grayson,  
Greer (Calhoun),  
Haley,  
Handley,  
Harrison,  
Heflin (Chambers),  
Heflin (Randolph),  
Henderson,  
Hinson,  
Hood,  
Howze,  
Inge,  
Jackson,  
Jenkins,  
Jones (Bibb),  
Jones (Wilcox),  
Kirkland,  
Knight,

Kyle,  
Ledbetter,  
Lomax,  
Long (Walker),  
Lowe (Lawrence),  
Macdonald,  
McMillan (Wilcox),  
Malone,  
Maxwell,  
Merrill,  
Miller (Marengo),  
Miller (Wilcox),  
Mulkey,  
Murphree,  
NeSmith,  
Norwood,  
Oates,  
Opp,  
O'Rear,  
Parker (Cullman),  
Parker (Elmore),  
Pettus,  
Phillips,  
Pitts,  
Porter,  
Reynolds (Chilton),  
Reynolds (Henry),  
Rogers (Sumter),  
Sanford,  
Searcy,  
Selheimer,  
Sentell,  
Sloan,  
Sorrell,  
Spears,  
Stewart,  
Studdard,  
Tayloe,



Thompson,  
Vaughan,  
Waddell,  
Walker,  
Weakley,  
White,

Whiteside,  
Williams (Barbour),  
Williams (Marengo),  
Williams (Elmore),  
Wilson (Clarke)—103.

Mr. Grayson called up for adoption Resolution 120, introduced by himself.

The resolution was read at length as follows:

Resolved, That all resolutions authorizing the payment of any money shall be adopted by a yea and nay vote.

Resolution 120 was on motion of Mr. Grayson, adopted.

#### RESOLUTION ON THIRD READING.

Mr. Heflin, of Randolph, chairman of the Committee on Schedule, Printing and Incidental Expenses, asked unanimous consent to call up for adoption Resolution 188, which was reported favorably by way of a substitute.

Consent was granted, and the resolution was read at length as follows and adopted: Yeas, 96; nays, 0.

Resolution 188, by Mr. Carmichael, of Coffee:

Be it resolved, That the Secretary of State is hereby authorized and instructed to contract for the printing and binding of 1,000 copies of the Journal of this Convention.

Be it further resolved, That the printing and binding shall be done in the same manner and under the same law as that of the House and Senate Journals, and that the printing and binding shall be paid out of the State appropriation for printing and binding.

Resolution by Mr. Carmichael, of Coffee. Substitute for Resolution No. 188:

A resolution to provide for the printing, binding and distribution of the Journal of this Convention.

Be it resolved by the people of Alabama in Convention assembled, That the Committee on Printing, Sched-

ule and Incidental Expenses be authorized to contract for the printing, binding and distribution of 1,000 copies of the Journal of this Convention.

Be it further resolved, That upon the delivery of 1,000 copies of the Journal, printed and bound in accordance with the contract heretofore mentioned, to the Secretary of State, he shall certify to the Auditor the amount due to the publisher for the work, and the Auditor shall issue his warrant on the Treasurer in favor of the publisher for the said amount due.

Be it further resolved, That one copy of the Journal of this Convention be delivered to each delegate and officer of the Convention, and to persons to whom under the existing law the Journals of the House and Senate are delivered.

Be it further resolved, That the sum of \$2,000, or so much thereof as may be necessary, be appropriated out of the moneys of the State otherwise unappropriated, to pay for the printing, binding and distribution of the Journal of this Convention.

## YEAS.

Messrs. President,	Cornwell,
Banks,	Craig,
Barefield,	Cunningham,
Beddow,	Davis, (Etowah),
Bethune,	Dent,
Blackwell,	deGraffenried,
Boone,	Duke,
Brooks,	Eley,
Browne,	Fletcher,
Bulger,	Foster,
Burns,	Gilmore,
Cardon,	Glover,
Carmichael (Colbert),	Graham (Montgomery),
Carmichael (Coffee),	Grant,
Chapman,	Grayson,
Cobb,	Greer (Calhoun),
Coleman (Greene),	Haley,
Coleman (Walker),	Handley,

<b>Harrison,</b>	<b>Palmer,</b>
<b>Heflin (Chambers),</b>	<b>Parker (Cullman),</b>
<b>Heflin (Randolph),</b>	<b>Parker (Elmore),</b>
<b>Henderson,</b>	<b>Pearce,</b>
<b>Hinson,</b>	<b>Pettus,</b>
<b>Howell,</b>	<b>Phillips,</b>
<b>Howze,</b>	<b>Pitts,</b>
<b>Jackson,</b>	<b>Reynolds (Chilton),</b>
<b>Jenkins,</b>	<b>Reynolds (Henry),</b>
<b>Jones (Bibb),</b>	<b>Rogers (Sumter),</b>
<b>Jones (Wilcox),</b>	<b>Samford,</b>
<b>Knight,</b>	<b>Sanders,</b>
<b>Kyle,</b>	<b>Sanford,</b>
<b>Ledbetter,</b>	<b>Searcy,</b>
<b>Lomax,</b>	<b>Selheimer,</b>
<b>Lowe (Lawrence),</b>	<b>Sentell,</b>
<b>Macdonald,</b>	<b>Smith (Mobile),</b>
<b>McMillan (Wilcox),</b>	<b>Smith, Mac. A.,</b>
<b>Malone,</b>	<b>Smith, Morgan M.,</b>
<b>Maxwell,</b>	<b>Stewart,</b>
<b>Merrill,</b>	<b>Studdard,</b>
<b>Mulkey,</b>	<b>Thompson,</b>
<b>Murphree,</b>	<b>Vaughan,</b>
<b>NeSmith,</b>	<b>Waddell,</b>
<b>Norwood,</b>	<b>Walker,</b>
<b>Oates,</b>	<b>Weatherly,</b>
<b>O'Neal (Lauderdale),</b>	<b>Whiteside,</b>
<b>Opp,</b>	<b>Williams (Barbour),</b>
<b>O'Rear,</b>	<b>Williams (Marengo)—96.</b>

## SPECIAL ORDER.

The Convention proceeded to the consideration of the regular order, which was the report of the Committee on Municipal Corporations.

On motion of Mr. Weakley, the report was ordered to be considered section by section.

## MUNICIPAL CORPORATIONS.

## SECTION ONE.

Was read at length as follows:

Section 1. All municipal corporations shall have the right to sue and shall be subject to be sued in all courts in like manner as natural persons.

Mr. Hood offered the following amendment to Section 1:

Amend Article on Municipal Corporations by striking out Section 1.

Mr. Merrill offered the following amendment to the amendment offered by Mr. Hood:

Amend Section 1 by striking out the following words: "In like manner as natural persons," and add in lieu thereof "as may be prescribed by law."

On motion of Mr. Weatherly the section and pending amendments were laid upon the table.

## SECTION TWO.

Was read at length as follows:

Sec. 2. Municipal corporations shall be invested with the privilege of taking private property for public use, but shall make just compensation for property taken, injured or destroyed by the construction or enlargements of its works, highways, or improvements, which compensation shall be paid before such taking, injury or destruction. The General Assembly is hereby prohibited from depriving any person of an appeal from any preliminary assessment of damages against any such municipal corporation made by viewers or otherwise; and the amount of such damages in all cases of appeal shall on demand of either party be determined by a jury according to law.

On motion of Mr. Harrison the further consideration of Section 2 was postponed until the report of the Committee on Corporations was taken up.

## SECTION THREE.

Was read at length as follows:

Sec. 3. The General Assembly shall have power to establish, alter, enlarge or diminish the boundaries of any city, town or village in this State, but notice of such intended change shall be given by publication in some newspaper published in the village, town or city to be affected, for thirty days prior to the meeting of the General Assembly; if no newspaper is published in said city, town or village then said notice shall be given by posting copy thereof at three public places in said city, town or village, and said notice shall be spread upon the Journal of the House in which the bill proposing such change is introduced.

Mr. Cobb offered the following amendment to Section 3:

To add the word "incorporated" before the word "city" in the second line of Section 3.

On motion of Mr. Graham, of Montgomery, the amendment offered by Mr. Cobb was laid upon the table.

Mr. Craig offered the following amendment to Section 3:

Amend Section 3 as follows:

Strike out the words "meeting of the General Assembly" in line four of said section, and insert in lieu thereof the words "election held for the election of members of the next Legislature after such election."

Mr. Sanford offered the following substitute for the amendment offered by Mr. Craig:

Amend said Section 3 by adding at the end of said section the words: "Provided, that the people residing in the territories to be annexed shall have an opportunity to vote upon the question of annexation."

## RECESS.

Pending the further consideration of the report of the Committee on Municipal Corporations, the hour of 1 o'clock p. m. arrived, and under the rules the Convention recessed until 3:30 this afternoon.

## AFTERNOON SESSION.

The Convention met pursuant to adjournment.

## ROLL CALL.

On a call of the roll of the Convention the following delegates answered to their names, which constituted a quorum :

Messrs. President,	Gilmore,
Ashcraft,	Glover,
Banks,	Graham (Talladega),
Barefield,	Grayson,
Beavers,	Haley,
Beddow,	Handley,
Bethune,	Harrison,
Blackwell,	Heflin (Chambers),
Boone,	Heflin (Randolph),
Brooks,	Henderson,
Browne,	Hinson,
Byars,	Hood,
Carmichael (Colbert),	Howell,
Carmichael (Coffee),	Howze,
Carnathon,	Inge,
Chapman,	Jackson,
Cobb,	Jenkins,
Cofer,	Jones (Wilcox),
Coleman (Greene),	Kirk,
Coleman (Walker),	Knight,
Craig,	Kyle,
Cunningham,	Ledbetter,
Dent,	Lomax,
deGraffenried,	Long (Walker),
Duke,	Macdonald,
Eley,	McMillan (Wilcox),
Eyster,	Merrill,
Espy,	Miller (Marengo),
Ferguson,	Miller (Wilcox),
Foshee,	Mulkey,
Foster,	Murphree,
Freeman,	Norman,

O'Neal (Lauderdale),	Sloan,
Opp,	Smith, Mac. A.,
O'Rear,	Smith, Morgan M.,
Palmer,	Sollie,
Parker (Elmore),	Sorrell,
Pearce,	Spears,
Pitts,	Spragins,
Porter,	Stewart,
Reynolds (Chilton),	Studdard,
Reynolds (Henry),	Tayloe,
Rogers (Sumter),	Thompson,
Samford,	Waddell,
Sanders,	Walker,
Sanford,	Weakley,
Searcy,	Weatherly,
Selheimer,	Williams (Barbour),
Sentell,	Williams (Marengo)—100.

## UNFINISHED BUSINESS.

The Convention proceeded to the consideration of the unfinished business, which was the report of the Committee on Municipal Corporations.

The question recurred upon the adoption of the substitute offered by Mr. Sanford to the amendment offered by Mr. Craig.

On motion of Mr. Weakley the substitute offered by Mr. Sanford was laid upon the table.

The amendment offered by Mr. Craig was adopted.

On motion of Mr. Hood Section 3, as amended, was laid upon the table.

## SECTION FOUR.

Was read at length as follows:

Sec. 4. No city, town or village shall be authorized or permitted to grant any franchise or privilege or make any contract in reference thereto for a term exceeding twenty years, nor shall any city, town or village grant any right of way over or right to use any street or public way or part thereof except to the person

or corporation offering the highest sum therefor or the highest percentage of gross annual receipts, to be derived from the business so using the right of way or street or public place. No such privilege shall be granted until the applicant therefor shall have given notice by publication for thirty days in some newspaper published in the city, town or village, of his intention to ask for such franchise, and the date upon which such application shall be made and the person, firm, association or corporation to whom such franchise is granted shall be liable for any damage inflicted upon the property of abutting properties.

Mr. Brooks offered the following amendment to Section 4, which was adopted by unanimous consent:

Amend Section 4 by inserting after the word "village" in the eighth line, the following:

Or if there be no newspaper published therein, then by notices posted in three separate public places, in such city, town or village.

Mr. Smith, of Mobile, offered the following amendment to Section 4:

Amend Section 4 of report of Committee on Municipal Corporations by striking out the word "twenty" in the second line, and inserting the word "fifty" in lieu thereof.

On motion of Mr. Dent Section 4, together with the pending amendment were laid upon the table.

#### SECTION FIVE.

Was read at length as follows:

Sec. 5. No street railway, gas, water, steam or hot water heating, telephone, telegraph, electric light or power company within a city, town or village, shall be permitted or authorized to construct its tracks or mains or erect its poles, posts or other apparatus or string its wires upon the same, along, over, under or across the streets, avenues, alleys or public grounds of such city, town or village, without the consent of the proper municipal authorities of such city, town or village being first had and obtained.



Mr. Weakley, chairman of the Committee on Municipal Corporations, submitted the following substitute for Section 5, which was, by unanimous consent, accepted for Section 5:

Amend by striking out Section 5 and inserting in lieu thereof the following:

Sec. 5. No person, firm, association or corporation, shall be authorized or permitted to use the streets, avenues or alleys or public places of any city, town or village for the construction or operation of any public utility or private enterprise, without the consent of the proper authorities of such city, town or village being first had and obtained.

Mr. Coleman, of Greene, moved to table Section 5 as amended.

The motion to table was lost.

On motion of Mr. Boone Section 5, as amended, was adopted.

#### SECTION SIX.

Was read at length as follows and adopted:

Sec. 6. The General Assembly shall not enact any law which will permit a person, firm, corporation or association of any character to pay a privilege license or other tax to the State of Alabama, and relieve him or it from the payment of all other privilege and license taxes in the State.

#### RECONSIDERATION.

Mr. Foster gave notice that on to-morrow he would move to reconsider the vote by which Section 6 was adopted.

#### SECTION SEVEN.

Was read at length as follows:

Sec. 7. No county, city, town, village, district or other political subdivision of a county shall have authority or be authorized by the General Assembly, after the

ratification of this Constitution, to issue bonds, unless such issue of bonds shall have first been approved by a majority vote by ballot of the qualified voters of such county, city, town, village, district, or other political subdivision of a county, voting upon such proposition. In determining the result of any election held for this purpose, no vote shall be counted as an affirmative vote which does not show on its face that such vote was cast in approval of such issue of bonds. This section shall not apply to the renewal, refunding or reissue of bonds lawfully issued, nor prevent the issuance of bonds in cases where the same have been authorized by laws enacted prior to the ratification of this Constitution, nor shall this section apply to obligations incurred or bonds to be issued to procure means to pay for street and sidewalk improvement, or sanitary or storm water sewers, the cost of which is to be assessed against the property abutting said improvements or drained by such sanitary or storm water sewers.

Mr. Brooks offered the following amendment to Section 7:

Amend Section 7 by inserting after the word "assessed" in the thirteenth line thereof, the following words: "In whole or in part."

The amendment offered by Mr. Brooks was unanimously adopted.

Mr. Macdonald offered the following amendment to Section 7:

Amend Section 7 by adding thereto, viz.:

No city, town or other municipality shall make any assessment for the cost of sidewalk or street paving, or for the cost of construction of any sewers against property abutting on such street or sidewalk so paved or drained by such sewers, in excess of the actual increased value of such property by reason of such sidewalk or street paving, or by the construction of such sewers. And the burden of proving such increased value of said property shall be on the city, town or other municipality in all proceedings brought to enforce the collection of such assessments. And such assessments shall in no

case exceed five per cent. of the assessed value of said property.

Mr. Coleman, of Greene, offered the following amendment to the amendment offered by Mr. Macdonald:

Move to amend the amendment by striking out so much of the amendment as places the burden of pavement upon the municipality and so much of it as limits the assessment to five per cent.

On motion of Mr. O'Neal, of Lauderdale, the Section, 7, together with the pending amendments, were referred back to the Committee on Municipal Corporations, and they were requested to make a report to the Convention on to-morrow morning.

#### SECTION EIGHT.

Was read at length as follows:

Sec. 8. That no city, town or village shall hereafter become indebted for any purpose or in any manner to an amount which, including existing indebtedness, shall exceed 7 per centum of the assessed valuation of the real and personal property within said city, town or village, subject to taxation, as shown by the last preceding assessment for State and county purposes; provided, however, that in determining the limitation of the power of such city, town or village to incur indebtedness there shall not be included the following class of indebtedness, to-wit:

(a) Notes, certificates of indebtedness or revenue bonds issued in anticipation of the collection of taxes, unless the same be not paid within two years from the date of such issue, and all such notes, certificates of indebtedness and revenue bonds shall be provided for, and made payable from the taxes levied for the year in which they are issued, and shall never exceed the amount of such taxes.

(b) Bonds issued for the purpose of purchasing or otherwise providing for a supply of water or for the construction or installation of sanitary sewers, or for the extension of either of the same.

(c) Obligations incurred and bonds issued to procure means to pay for street or sidewalk improvements or storm water sewers, the cost of which is to be assessed against the property abutting or drained by such sewers.

(d) Debts created for the preservation of the public health.

(e) Debts existing on the 6th day of December, 1875, or any obligation issued to renew or refund the same.

Mr. Weakley, chairman of the Committee on Municipal Corporations, asked unanimous consent to withdraw Section 8.

Leave was granted, and Section 8 was withdrawn.

#### SECTION NINE.

Was read at length as follows:

Sec. 9. No city, town or village whose present indebtedness exceeds the limitations herein imposed shall be allowed to become indebted in any further amount until such indebtedness shall be reduced within such limit; provided however, that nothing herein contained shall prevent any municipality from issuing bonds in renewal or for the refunding of obligations already existing.

Mr. Kirk offered the following amendment to Section 9:

Amend Section 9 by adding thereto the following:

Provided the provisions of this Section shall not apply to the cities of Sheffield and Tusculumbia.

The amendment offered by Mr. Kirk was adopted.

Mr. Boone offered the following amendment to Section 9:

Amend Section 9 in the second line after the word "amount" by inserting between that word and the word "until" the following, "except as otherwise provided in this Constitution."

The amendment offered by Mr. Boone was adopted.

Mr. Weakley offered the following amendment to Section 9:

Amend by striking out the word "herein" on line 2, and by inserting after the word "imposed" on line two,

the words "by this Convention," and the amendment offered by Mr. Weakley was adopted.

Mr. Fletcher offered the following amendment to Section 9:

Amend Section 9 by adding thereto the following: "Or from issuing bonds already authorized by law."

The amendment offered by Mr. Fletcher was adopted.

On motion of Mr. Weakley Section 9, as amended, was adopted.

#### ADJOURNMENT.

On motion of Mr. Sanford the Convention adjourned until to-morrow morning at 9 o'clock.

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#### SIXTY-SIXTH DAY.

Montgomery, Ala., Thursday, August 8, 1901.

The Convention met pursuant to adjournment.

Prayer was offered by Rev. A. L. Andrews of the city.

#### ROLL CALL.

On a call of the roll of the Convention the following delegates answered to their names, which constituted a quorum:

Messrs. President,	Carmichael (Coffee),
Altman,	Carnathon,
Ashcraft,	Chapman,
Barefield,	Cobb,
Beddow,	Coleman (Greene),
Blackwell,	Coleman (Walker),
Boone,	Craig,
Browne,	Davis (Etowah),
Burns,	Dent,
Byars,	deGraffenried,
Cardon,	Duke,

Eley,  
Eyster,  
Espy,  
Fitts,  
Fletcher,  
Foshee,  
Freeman,  
Gilmore,  
Glover,  
Graham (Montgomery),  
Graham (Talladega),  
Grayson,  
Greer (Calhoun),  
Haley,  
Handley,  
Harrison,  
Heflin (Randolph),  
Hood,  
Howze,  
Inge,  
Jackson,  
Jones (Wilcox),  
Knight,  
Kyle,  
Ledbetter,  
Lomax,  
Lowe (Lawrence),  
Macdonald,  
McMillan (Baldwin),  
McMillan (Wilcox),  
Malone,  
Martin,  
Merrill,  
Miller (Wilcox),  
Murphree,  
Norman,

Norwood,  
Oates,  
O'Neal (Lauderdale),  
Palmer,  
Parker (Cullman),  
Parker (Elmore),  
Pearce,  
Pettus,  
Phillips,  
Pitts,  
Porter,  
Reese,  
Renfro,  
Reynolds (Henry),  
Rogers (Sumter),  
Samford,  
Sanders,  
Sanford,  
Searcy,  
Selheimer,  
Smith (Mobile),  
Smith, Mac. A.  
Smith, Morgan M.,  
Spears,  
Studdard,  
Vaughan,  
Walker,  
Watts,  
Weakley,  
Weatherly,  
White,  
Whiteside,  
Williams (Barbour),  
Williams (Marengo),  
Williams (Elmore),  
Winn—94.

## LEAVE OF ABSENCE.

Was granted to Messrs. Foster, Tayloe, Stewart, Kirk, Reynolds of Chilton, indefinitely; Henderson for to-day; Wilson of Washington for to-day, Friday and Saturday, and to Mr. Fain, assistant door keeper, for Friday and Saturday.

## REPORT OF THE COMMITTEE ON THE JOURNAL.

The chairman of the Committee on the Journal submitted the following report:

The Committee on the Journal beg leave to report that they have examined the Journal for the sixty-fifth day of the Convention, and that the same is correct.

Respectfully submitted,

JOHN F. PROCTOR, *Chairman.*

## RESOLUTIONS ON FIRST READING.

The following resolution was introduced, read one time at length, and referred to the appropriate committee as follows:

Resolution 289, by Mr. Heffin, of Chambers:

Resolved, That it is the sense of this Convention that the Committee on Order, Harmony and Consistency of the Whole Constitution be and it is hereby instructed to offer a substitute or substitutes for Section 28 of the Judiciary article to the Convention for its adoption or rejection.

The resolution was referred to the Committee on Rules.

## ORDINANCES ON FIRST READING.

The following ordinances were introduced, severally read one time at length, and referred to appropriate committees, as follows:

Ordinance 445, by Mr. deGraffenried:

Be it ordained by the people of Alabama in Convention assembled, that Section 28 of the Article on Judi-

ciary heretofore adopted by this Convention be repealed, and the following section substituted in its stead:

Sec. 28. A Solicitor for each Judicial Circuit or Judicial subdivision of the State shall be selected in the manner to be prescribed by law, who shall be learned in the law, and who shall, at the time of his selection, and during his continuance in office, reside in the circuit or other territorial subdivision for which he is selected, and whose term of office shall be for four years, and he shall receive no other compensation than a salary, to be prescribed by law, which shall not be increased during the time for which he was selected; provided that this article shall not operate to abridge the term of any Solicitor now in office; and provided further, that the Solicitor selected in the year 1904 shall hold office for a term of six years, and until their successors are elected and qualified.

The ordinance was referred to the Committee on Judiciary.

#### STENOGRAPHIC REPORT.

Messrs. Craig and Sanders called the attention of the Convention to certain errors in the stenographic report of the proceedings of yesterday.

The report was ordered corrected.

#### RECONSIDERATION.

Mr. deGraffenried moved to reconsider the vote by which the Article on Judiciary was ordered engrossed for third reading, and asked unanimous consent that the motion to reconsider be postponed until the report of the Committee on Municipal Corporations was finished.

The motion to postpone consideration of the Article on Judiciary was lost: Yeas, 49; nays, 49.



## YEAS.

Messrs. President,  
Barefield,  
Browne,  
Cardon,  
Carmichael (Colbert),  
Carmichael (Coffee),  
Carnathon,  
Cobb,  
Coleman (Greene),  
Coleman (Walker),  
deGraffenried,  
Eley,  
Eyster,  
Ferguson,  
Glover,  
Grayson,  
Greer (Calhoun),  
Haley,  
Handley,  
Harrison,  
Heflin (Randolph),  
Inge,  
Jackson,  
Jones (Wilcox),  
Kirkland,

Knight,  
Lomax,  
Lowe (Jefferson),  
Macdonald,  
Martin,  
Norwood,  
O'Neal (Lauderdale),  
O'Neill, (Jefferson),  
Opp,  
O'Rear,  
Parker (Cullman),  
Pearce,  
Reese,  
Reynolds (Henry),  
Rogers (Lowndes),  
Samford,  
Sanford,  
Selheimer,  
Smith, Morgan M.,  
Williams (Barbour),  
Williams (Marengo),  
Williams (Elmore),  
Wilson (Clarke),  
Winn—49.

## NAYS.

Messrs. Ashcraft,  
Banks,  
Beddow,  
Bethune,  
Blackwell,  
Boone,  
Brooks,  
Bulger,  
Byars,  
Cofer,  
Craig,  
Davis, (Etowah),

Dent,  
Espy,  
Fletcher,  
Foshee,  
Gilmore,  
Graham (Talladega),  
Hood,  
Howze,  
Jones (Hale),  
Kyle,  
Lowe (Lawrence),  
McMillan (Baldwin),

McMillan (Wilcox),	Porter,
Malone,	Rogers (Sumter),
Merrill,	Sanders,
Miller (Marengo).	Sloan,
Miller (Wilcox),	Smith (Mobile),
Mulkey,	Smith, Mac. A.,
Murphree,	Sorrell,
Norman,	Spragins,
Oates,	Walker,
Palmer,	Watts,
Pettus,	White,
Phillips,	Whiteside—49.
Pitts,	

## ANNOUNCEMENT OF PAIRS.

The following pairs were announced:

Messrs. Bartlett and Burns, Proctor and Chapman, Duke and Freeman, Grant and Parker of Elmore, Searcy and Maxwell, Kirk and Spears, Long of Walker and Studdard, Stewart and Tayloe, Vaughan and Hodges, Foster and Weakley, Wilson of Washington and Thompson. Messrs. Bartlett, Proctor, Duke, Grant, Searcy, Kirk, Long of Walker, Stewart, Vaughan, Foster and Wilson of Washington would vote aye; and Messrs. Burns, Chapman, Freeman, Parker of Elmore, Spears, Maxwell, Studdard, Tayloe, Hodges, Weakley and Thompson would vote nay.

The question recurred upon the motion of Mr. deGraffenried to reconsider the vote by which the Article on Judiciary was ordered engrossed for a third reading and adoption.

The motion of Mr. deGraffenried was lost: Yeas, 50; nays, 50.

## YEAS.

Messrs. President,	Carmichael (Coffee),
Barefield,	Carnathon,
Browne,	Cobb,
Cardon,	Coleman (Greene),
Carmichael (Colbert),	Coleman (Walker),

deGraffenried,  
 Eley,  
 Eyster,  
 Ferguson,  
 Glover,  
 Grayson,  
 Greer (Calhoun),  
 Haley,  
 Handley,  
 Heflin (Chambers),  
 Heflin (Randolph),  
 Howze,  
 Inge,  
 Jackson,  
 Jones (Wilcox),  
 Kirkland,  
 Knight,  
 Lomax,  
 Lowe (Jefferson),  
 Macdonald,

Martin,  
 Norwood,  
 O'Neal (Lauderdale),  
 O'Neill (Jefferson),  
 Opp,  
 O'Rear,  
 Parker (Cullman),  
 Pearce,  
 Reese,  
 Reynolds (Henry),  
 Rogers (Lowndes),  
 Sanford,  
 Sanford,  
 Selheimer,  
 Whiteside,  
 Williams (Barbour),  
 Williams (Marengo),  
 Williams (Elmore),  
 Wilson (Clarke),  
 Winn—50.

#### NAYS.

Messrs. Altman,  
 Ashcraft,  
 Banks,  
 Beddow,  
 Bethune,  
 Backwell,  
 Boone,  
 Brooks,  
 Bulger,  
 Byars,  
 Cofer,  
 Craig,  
 Cunningham,  
 Davis (Etowah),  
 Dent,  
 Espy,  
 Fletcher,  
 Foshee,

Gilmore,  
 Graham (Talladega),  
 Hood,  
 Jones (Bibb),  
 Jones (Hale),  
 Kyle,  
 Lowe (Lawrence),  
 McMillan (Baldwin),  
 McMillan (Wilcox),  
 Malone,  
 Merrill,  
 Miller (Marengo),  
 Miller (Wilcox),  
 Mulkey,  
 Murphree,  
 Norman,  
 Palmer,  
 Pettus,

Phillips,  
Pitts,  
Porter,  
Rogers (Sumter),  
Sanders,  
Sloan,  
Smith (Mobile),

Smith, Mac. A.,  
Smith, Morgan M.,  
Sorrell,  
Spragins,  
Walker,  
Watts,  
White—50.

#### ANNOUNCEMENT OF PAIRS.

The following pairs were announced:

Messrs. Burns and Bartlett, Proctor and Chapman, Sentell and Fitts, Duke and Freeman, Harrison and Oates, Grant and Parker of Elmore, Searcy and Maxwell, Kirk and Spears, Long of Walker and Studdard, Vaughan and Hodges, Foster and Weakley, Wilson of Washington and Thompson. Messrs. Burns, Proctor, Sentell, Duke, Harrison, Grant, Searcy, Kirk, Long of Walker, Vaughan, Foster, and Wilson of Washington, would vote aye; and Messrs. Bartlett, Chapman, Fitts, Freeman, Oates, Parker of Elmore, Maxwell, Spears, Studdard, Hodges, Weakley and Thompson would vote nay.

#### UNFINISHED BUSINESS.

The Convention proceeded to the consideration of the unfinished business, which was the report of the Committee on Municipal Corporations.

Mr. Boone moved to take from the table Section 1 of the report of the Committee on Municipal Corporations.

The motion prevailed, and Section 1 was taken from the table.

Mr. Boone offered the following substitute for Section 1:

Substitute for Section 1 of the Article on Municipal Corporations so that said Section 1 will read as follows:

Municipal corporations shall have the right to sue and shall be subject to suit in the courts of this State.

The substitute offered by Mr. Boone was lost.

On motion of Mr. Coleman, of Greene, Section 1 was laid upon the table.

Mr. Weakley moved to take from the table Section 2 of the report of the Committee on Municipal Corporations and refer it to the Committee on Corporations.

The motion prevailed, and Section 2 was referred to the Committee on Corporations.

Mr. Weakley moved that Section 4 of the Article on Municipal Corporations be taken from the table.

The motion prevailed, and Section 4 was taken from the table.

Mr. Weakley, chairman of the committee, offered the following substitute for Section 4:

Substitute for Section 4 of the Article on Municipal Corporations, so that Section 4 will read as follows:

No county, city, town, taxing district or other municipal corporation shall be authorized or permitted to grant any franchise or privilege for a term of years, unless the application for such franchise or privilege has been duly advertised, and bids received therefor publicly, and shall award the same to the highest and best bidder; but it shall have the right to reject any and all bids. This section shall not apply to a trunk railway, nor to cities or towns or other municipal corporations having a population of less than 5,000.

Mr. Murphree offered the following amendment to the substitute offered by Mr. Weakley:

Amend substitute so as not to apply to towns and cities of less than 6,000 population.

On motion of Mr. Dent, Section 4, together with the pending amendments, were laid upon the table.

#### SECTION TEN.

Was read at length as follows:

Sec. 10. The General Assembly shall provide by general laws for the organization and classification of cities, towns and villages; the number of such classes shall not exceed four, and the powers of each class shall be defined by general laws so that all municipal corporations of the same class shall possess the same powers

and be subject to the same restrictions.

The General Assembly shall assign the cities, towns and villages of the State to the class to which they respectively belong, and change assignments made as populations of such cities, towns and villages increase or decrease, and in the absence of other satisfactory information as to their population, the General Assembly shall be governed by the last preceding Federal census; provided, however, that any city, town or village in Alabama may in the year 1905, and every ten years thereafter, cause a census of all its inhabitants to be taken, and the General Assembly may change the classification of such city, town or village according to the result of such census.

Any city having a population of more than twenty thousand inhabitants may frame a charter for its own government, not in conflict with this Constitution, whenever the Mayor, authorized by a majority vote of the legislative body of such city, shall have made application to the Judge of the Circuit Court for the appointment of the Board, to be composed of nine qualified electors, who shall have been for at least five years residents of such city. If the Judge of the Circuit Court is a non-resident of the county in which said city is located, then such application may be made to the Judge of any State court of record of general common law jurisdiction, residing in such county, and the said application and the appointments made thereon shall be entered of record by the clerk of such court.

Said Board shall within ninety days after such appointment return to the chief magistrate of such city the draft of such charter signed by a majority of said Board within thirty days thereafter, such proposed charter shall be submitted to the qualified voters of such city at a special election to be called by the Mayor, and if a majority of such qualified voters voting thereat shall ratify the same, it shall, at the end of thirty days thereafter become the charter of such city, and supersede any existing charter or amendments thereto, and all special acts of the General Assembly relating to the corporate organization or government of such city other

than laws securing and enforcing the payment of the debts of such city.

A duplicate certificate shall be made setting forth the charter proposed, and its ratification, which shall be signed by the chief magistrate of such city, and be authenticated by its corporate seal; one of such certificates shall be deposited in the office of the Secretary of State, and the other shall be deposited among the archives of such city, and all courts shall take judicial notice of such charter. Such charter so adopted may be amended at intervals of not less than four years by proposals therefor, submitted by the legislative authority of the city to the qualified voters thereof at a general or special election, held at least thirty days after the publication of such proposals in two newspapers of said city, and ratified by a majority of the qualified voters voting thereat. In any such charter or amendments thereto any alternative article or proposition may be presented for the choice of the voters, and may be voted on separately without prejudice to the others.

The following minority report to Section 10, by Mr. Sanford, was read at length as follows:

The General Assembly shall have authority to incorporate cities, towns and villages by a general law which shall grant to all municipalities the same powers, rights and privileges and shall not discriminate between municipalities in the powers, rights and privileges granted, on account of population, situation, condition, the pursuits of the people, or for any reason whatever. The General Assembly shall grant to no municipality or community the right to establish or amend its own charter, but all municipal charters shall be granted or amended by special law or formed under a general law equally applicable to all communities. Provided, that no charter or amendment thereof shall be valid, until it shall be accepted or ratified by a majority of the qualified electors residing within the limits of such municipality, and voting at an election held for that purpose.

Mr. deGraffenried offered the following amendment to the minority report:

Provided, that nothing contained in this Constitution shall effect the charter of any town, city or village now in existence in which charter there is contained a prohibition against the sale, exchange, barter or giving away of spirituous, vinous or malt liquors, intoxicating drinks, liquors or beverages, or in which there is any regulation of the sale or giving away of spirituous, vinous or malt liquors, intoxicating drinks, liquors or beverages, but such charters of such towns shall remain as they now exist until they are altered, changed or vacated in the manner provided by law at the time of the adoption of this Constitution.

Mr. Ashcraft moved to table the minority report, and the amendment offered by Mr. deGraffenried.

The motion prevailed, and the minority report and the amendment were laid upon the table.

On motion of Mr. Samford Section 10 was laid upon the table.

#### RECONSIDERATION.

Mr. Wilson, of Clarke, moved to reconsider the vote by which Section 6 was on yesterday adopted.

On motion of Mr. O'Neal, of Lauderdale, the motion of Mr. Wilson, of Clarke, was laid upon the table.

#### SECTION ELEVEN.

Was read at length as follows:

Sec. 11. No city, town, village or other municipal corporation other than provided for in this article shall levy or collect a higher rate of taxation in one year on the property situated therein than one-half of one percentum of the value of such property as assessed for State taxation during the preceding year; provided, that for the purpose of paying debts existing on the sixth day of December, 1875, and the interest thereon, a tax of one percentum may be levied and collected, to be applied exclusively to the payment of such indebtedness, and provided further that this section shall not apply to the city of Mobile, which city may from and after the rati-



fication of this Constitution, levy a tax not to exceed the rate of three-fourths of one per centum, to pay the expenses of the city government, and may also levy a tax not to exceed three-fourths of one per centum to pay the debt existing on the sixth day of December, 1875, with the interest thereon, or any renewal of such debt; and provided further, that this section shall not apply to the cities of Birmingham and Huntsville, which cities may levy and collect a tax not to exceed one-half of one per centum in addition to the tax of one-half of one per centum as hereinabove allowed to be levied and collected, such special tax to be applied exclusively to the payment of interest on the bonds of said cities of Birmingham and Huntsville, as heretofore issued in pursuance of law, and for a sinking fund to pay off said bonds at the maturity thereof.

And provided further, that this section shall not apply to the cities of Tray, Attalla, Gadsden, Bessemer, Woodlawn and Florence, which cities may from and after the ratification of this Constitution, levy and collect an additional tax not exceeding one-half of one per centum per annum, but this additional tax shall not be levied unless authorized by a majority vote of the qualified electors voting at a special election held for the purpose of ascertaining whether or not said tax shall be levied.

Mr. Weakley, on behalf of the committee, offered the following amendment to Section 11:

Amend Section 11 by adding at the end of said section the following:

And provided further, that the purpose for which such special tax is sought to be levied shall be stated in such election call, and if authorized, the revenue derived from such tax shall be used for no other purpose than that stated.

By unanimous consent the amendment was adopted.

Mr. Weakley, on behalf of the committee, offered the following amendment to the amendment offered by the committee, which was unanimously adopted:

Amend by adding after the word "law" in line sixteen and one-half, of Section 10, the words "or now authorized by law to be issued."

Mr. Haley offered the following amendment to Section 11:

Amend Section 11, report of the Committee on Municipal Corporations, by striking out the word "Attalla" where it appears in line seventeen of said report.

Mr. Browne moved to table the Section 11 and pending amendments.

A division of the question was demanded.

The amendment offered by Mr. Haley was laid upon the table.

The question recurred upon the motion to table the Section, 11.

The motion to table was lost.

Mr. Coleman, of Greene, moved to take from the table Section 7 of the report of the Committee on Taxation, and postpone Section 11 of the report of the Committee on Municipal Corporations.

Mr. Howze moved to table the motion of Mr. Coleman, of Greene.

The motion prevailed, and the motion of Mr. Coleman, of Greene, was laid upon the table.

Mr. Beddow offered the following amendment to Section 11:

Amend Section 11 by striking out of line four the word "preceding" and inserting in lieu thereof the word "same."

RECESS.

Pending the further consideration of the report of the Committee on Municipal Corporations, the hour of 1 o'clock p. m. having arrived, under the rules the Convention recessed until 3:30 this afternoon.

## AFTERNOON SESSION.

The Convention met pursuant to adjournment.

## ROLL CALL.

On a call of the roll of the Convention the following delegates answered to their names, which constituted a quorum:

Messrs. President,	Espy,
Almon,	Ferguson,
Altman,	Fitts,
Ashcraft,	Fletcher,
Barefield,	Foshee,
Beddow,	Freeman,
Bethune,	Gilmore,
Blackwell,	Glover,
Boone,	Graham (Montgomery),
Brooks,	Graham (Talladega),
Browne,	Grayson,
Burns,	Greer (Calhoun),
Byars,	Haley,
Cardon,	Handley,
Carmichael (Colbert),	Harrison,
Carmichael (Coffee),	Heflin (Randolph),
Carnathon,	Hood,
Chapman,	Howze,
Cobb,	Jackson,
Cofer,	Jones (Bibb),
Coleman (Greene),	Kirkland,
Coleman (Walker),	Knight,
Craig,	Kyle,
Cunningham,	Ledbetter,
Davis (Etowah),	Long (Butler),
Dent,	Long (Walker),
deGraffenried,	Macdonald,
Duke,	McMillan (Baldwin),
Eley,	Malone,
Eyster,	Martin,

Merrill,  
Miller (Marengo),  
Mulkey,  
Murphree,  
Norwood,  
Oates,  
O'Neal (Lauderdale),  
O'Rear,  
Palmer,  
Parker (Cullman),  
Parker (Elmore),  
Pearce,  
Porter,  
Reynolds (Henry),  
Rogers (Sumter),  
Samford,  
Sanders,  
Sanford,  
Searcy,  
Selheimer,

Sloan,  
Smith (Mobile),  
Smith, Mac. A.  
Sollie,  
Sorrell,  
Spears,  
Spragins,  
Stewart,  
Studdard,  
Tayloe,  
Vaughan,  
Walker,  
Watts,  
Weakley,  
Weatherly,  
White,  
Whiteside,  
Williams (Barbour),  
Wilson (Clarke)—99.

## UNFINISHED BUSINESS.

The Convention proceeded to the consideration of the unfinished business, which was the report of the Committee on Municipal Corporations.

The question recurred upon the adoption of the amendment offered by Mr. Beddow to Section 11 of the Article on Municipal Corporations.

On motion of Mr. deGraffenried the amendment offered by Mr. Beddow was laid upon the table.

Mr. Samford offered the following amendment to Section 11, which was adopted:

Amend by adding to Section 11:

And provided further that the additional tax authorized to be levied by the city of Troy shall, when so levied and collected, be used exclusively in the payment of bonds and interest coupons, there and hereafter issued in the adjustment of the present bonded indebtedness of said city.

Mr. Leigh offered the following amendment to Section 11, which was adopted:

Amend Section 11 by adding the word "Brewton" after the word "Woodlawn" in line eighteen.

Mr. Lomax offered the following amendment to Section 11 which was adopted:

Amend Section 11 of the report of the Committee on Municipal Corporations by adding at the end thereof the following:

And provided further that this section shall not apply to the city of Montgomery, which city shall have the right to levy and collect a tax not exceeding one-half of 1 per cent. per year upon the value of the taxable property therein as fixed for State taxation, for general expenses and an additional tax of not exceeding three-fourths of 1 per cent. per year upon the value of the property therein as fixed for State taxation, to be devoted exclusively to the payment of its public debt, interest thereon and renewals thereof, and to the maintenance of its public schools and public conveniences.

Mr. Eyster offered the following amendment to Section 11:

Amend Section 11 by adding after the words "per annum" in the twentieth line, the following:

And provided further that this section shall not apply to the cities of Decatur, New Decatur and Cullman, which cities may, from and after the ratification of this Constitution, levy and collect an additional tax not exceeding one-fourth of 1 per centum per annum, in addition to the tax hereinbefore authorized, which special tax shall be applied exclusively to educational purposes.

Mr. Blackwell offered the following substitute for the amendment offered by Mr. Eyster:

Amend Section 11 by adding after the words "per annum" in line twenty, the following:

And provided further, that this section shall not apply to the cities of Decatur, New Decatur and Cullman, which cities may from and after the ratification of this Constitution, levy and collect an additional tax not exceeding three-tenths of 1 per centum. Such special tax to be applied exclusively to paying the current ex-

penses of the public schools—to public improvements, and to the payment of the current expenses of their city governments.

The substitute was accepted by unanimous consent.

The question recurred upon the adoption of the amendment, as amended.

The amendment was adopted.

Mr. Cunningham offered the following amendment to Section 11, which was adopted:

Amend Section 11 of the Article on Municipal Corporations in line eighteen by inserting after the word "Florence" the words "Pratt City, Ensley, Woodlawn and Avondale."

Mr. Weakley offered the following amendment to Section 11, which was adopted:

Amend Section 11 by striking out the word "Florence" in line eighteen.

The following amendment was offered by the Committee on Municipal Corporations, which was adopted:

Amend by adding after the word "law" in line sixteen and one-half, of Section 11, "or now authorized by law to be issued."

The committee offered the following amendment to Section 11, which was adopted:

Amend Section 11 by adding at the end of said section the following:

And provided further that the purpose for which such special tax is sought to be levied shall be stated in such election call, and if authorized, the revenue derived from such tax shall be used for no other purpose than that stated.

Mr. deGraffenried moved to table the Section (11) and amendments.

The motion was lost.

On motion of Mr. Weakley Section 11, as amended, was adopted.

#### RECONSIDERATION.

Mr. Sanford gave notice that on to-morrow he would move to reconsider the vote by which Section 11, of the

report of the Committee on Municipal Corporations was adopted.

Mr. Wilson, of Clarke, moved to suspend the regular order in order to allow him to make a motion to take from the table his motion to reconsider the vote by which Section 6 was adopted on yesterday.

The motion was lost.

Mr. Sanford offered the following amendment to the report of the Committee on Municipal Corporations, said amendment to constitute new section.

No charter for the government of any municipality made according to any law enacted by the Legislature, shall become operative until the same shall be adopted by a vote of the majority of the qualified electors residing within the limits of such municipality.

On motion of Mr. Weakley the amendment offered by Mr. Sanford was laid upon the table.

Mr. Whiteside offered the following amendment, to constitute a new section.

Amendment by additional section.

Any person, firm, association or corporation who may construct or operate any public utility along or across the public streets of any municipal corporation under any privilege or franchise permitting such construction, in or through said municipal corporation, shall be liable to abutting proprietors for the actual damage done to the abutting property on account of such construction or operation.

Mr. Hood moved to table the amendment offered by Mr. Whiteside.

The motion to table was lost.

The question recurred upon the adoption of the amendment offered by Mr. Whiteside.

The amendment was adopted.

#### SECTION SEVEN.

Mr. Weakley, chairman of the Committee on Municipal Corporations, reported Section 7 and amendments thereto, which was recommitted to the committee on yesterday, and the committee also reported the follow-

ing additional section, which was read at length as follows:

No city, town or other municipality shall make any assesment for the cost of sidewalk or street paving, or for any sewers, against property abutting on such street or sidewalk so paved or drained by such sewers in excess of the increased value of such property by reason of the special benefits derived from such improvements.

Mr. Boone asked unanimous consent to incorporate the above new section in the provision of Section 7.

Consent was granted and the section above set out was added to Section 7, as an additional paragraph.

Mr. Craig offered the following amendment to Section 7:

Amend Section 7 by adding after the word "voters" in line four, the words "and women tax payers."

Mr. O'Neal, of Lauderdale, moved to table the amendment offered by Mr. Craig.

The motion to table was lost: Yeas, 48; nays, 58.

## YEAS.

Messrs. Almon,  
Barefield,  
Bethune,  
Blackwell,  
Boone,  
Brooks,  
Bulger,  
Burnett,  
Byars,  
Cardon,  
Cobb,  
Coleman (Greene),  
Coleman (Walker),  
Duke,  
Eyster,  
Fletcher,  
Glover,  
Grayson,  
Greer (Calhoun),

Handley,  
Heflin (Randolph),  
Inge,  
Jones (Wilcox),  
Ledbetter,  
Lomax,  
Lowe (Jefferson),  
McMillan (Baldwin),  
Malone,  
Martin,  
Merrill,  
Miller (Wilcox),  
NeSmith,  
Norman,  
Oates,  
O'Neal (Lauderdale),  
Opp,  
O'Rear,  
Phillips,



Sanders,  
Searcy,  
Selheimer,  
Sollie,  
Spragins,

Vaughan,  
Waddell,  
Weakley,  
Williams (Barbour),  
Williams (Marengo)—48.

## NAYS.

Messrs. Ashcraft,  
Banks,  
Beddow,  
Browne,  
Burns,  
Carmichael (Colbert),  
Carmichael (Coffee),  
Chapman,  
Cofer,  
Cornwell,  
Craig,  
Cunningham,  
Davis (Etowah),  
Dent,  
deGraffenried,  
Eley,  
Espy,  
Fitts,  
Foshee,  
Freeman,  
Gilmore,  
Graham (Montgomery),  
Haley,  
Harrison,  
Hinson,  
Hood,  
Howze,  
Jackson,  
Jenkins,

Jones (Hale),  
Knight,  
Kyle,  
Lowe (Lawrence),  
Macdonald,  
McMillan (Wilcox),  
Miller (Marengo),  
Murphree,  
Norwood,  
Palmer,  
Parker (Cullman),  
Parker (Elmore),  
Pearce,  
Pettus,  
Pitts,  
Porter.  
Renfro,  
Rogers (Lowndes),  
Samford,  
Sanford,  
Smith (Mobile),  
Sorrell,  
Thompson,  
Walker,  
White,  
Whiteside,  
Williams (Elmore),  
Wilson (Clarke),  
Winn—58.

The question recurred upon the adoption of the amendment offered by Mr. Craig.

The amendment of Mr. Craig was adopted.

Thereupon Section 7, as amended, was adopted. Yeas, 65; nays, 46.

## YEAS.

Messrs. Altman,	Jones (Bibb),
Ashcraft,	Knight,
Banks,	Kyle,
Beddow,	Lowe (Lawrence),
Blackwell,	Macdonald,
Boone,	McMillan (Baldwin),
Browne,	McMillan (Wilcox),
Burns,	Miller (Marengo),
Carmichael (Colbert),	Murphree,
Carmichael (Coffee),	Norwood,
Chapman,	O'Neill (Jefferson),
Cofer,	Palmer,
Coleman (Greene),	Parker (Cullman),
Cornwell,	Parker (Elmore),
Craig,	Pearce,
Cunningham,	Pettus,
Davis (Etowah),	Pitts,
Dent,	Porter,
deGraffenried,	Renfro,
Eley,	Rogers (Lowndes),
Espy,	Samford,
Fitts,	Sanford,
Foshee,	Smith (Mobile),
Freeman,	Sorrell,
Gilmore,	Spears,
Graham (Montgomery),	Studdard,
Graham (Talladega),	Thompson,
Greer (Calhoun),	White,
Haley,	Whiteside,
Hinson,	Williams (Elmore),
Hood,	Wilson (Clarke).
Jackson,	Winn—65.
Jenkins,	

## NAYS.

Messrs. Almon,  
 Barefield,  
 Bethune,  
 Brooks,  
 Bulger,  
 Burnett,  
 Byars,  
 Cardon,  
 Cobb,  
 Coleman (Walker),  
 Duke,  
 Eyster,  
 Fletcher,  
 Glover,  
 Grayson,  
 Handley,  
 Harrison,  
 Howze,  
 Inge,  
 Jones (Wilcox),  
 Ledbetter,  
 Lomax,  
 Lowe (Jefferson),

Malone,  
 Martin,  
 Merrill,  
 Miller (Wilcox),  
 NeSmith,  
 Norman,  
 Oates,  
 O'Neal (Lauderdale),  
 Opp,  
 O'Rear,  
 Phillips,  
 Sanders,  
 Searcy,  
 Selheimer,  
 Sollie,  
 Spragins,  
 Vaughan,  
 Waddell,  
 Walker,  
 Weakley,  
 Williams (Barbour),  
 Williams (Marengo)—46.

## RECONSIDERATION.

Messrs. Greer of Calhoun, and Coleman of Greene, gave notice that on to-morrow they would move to reconsider the vote by which Section 7 was adopted.

Mr. Boone offered the following amendment, to constitute a new section:

Sec. —. The Legislature shall make provision by general law, whereby any city, town or village existing by virtue of any special or local law, may elect or become subject to and be governed by general laws providing for the incorporation and organization of cities, towns or villages.

Mr. Coleman, of Greene, moved to table the amendment offered by Mr. Boone.

The motion prevailed, and the amendment was laid upon the table.

Mr. Vaughan offered the following amendment, to constitute a new section :

Sec. —. The Legislature shall have the power to establish, alter, enlarge or diminish the boundaries of any city, town or village in this State, but notice of such intended change shall be given by publication in the localities to be affected, which notice shall be at least twenty days prior to the introduction into the Legislature of such bill, and the evidence that such notice has been given shall be exhibited to the Legislature before such bill shall be passed, and entered upon the Journal of the House in which the bill is introduced.

Mr. Sanford offered the following amendment to the amendment offered by Mr. Vaughan :

Provided, That the question of annexation shall be submitted to the qualified electors residing in the territory proposed to be annexed at an election called for the purpose of ascertaining their will.

Mr. O'Neal, of Lauderdale, moved to table the amendment offered by Mr. Vaughan, and the amendment to the amendment offered by Mr. Sanford.

A division of the question was demanded.

The question recurred upon the motion to table the amendment to the amendment offered by Mr. Sanford.

The amendment was laid upon the table.

The question recurred upon the motion to table the amendment offered by Mr. Vaughan.

The amendment offered by Mr. Vaughan was laid upon the table.

Mr. Cobb offered the following amendment, to constitute a new section :

Additional section to Article on Municipal Corporations.

All voters under this article shall possess the qualifications prescribed for voting by the Article on Suffrage and Elections.

Mr. deGraffenried offered the following substitute for the amendment offered by Mr. Cobb :

Sec. —. No woman shall be qualified to vote at any election to determine whether obligations or bonds shall be issued by a city, town or village, who is not at the time she offers to vote, a bona fide resident of such city, town or village, and who does not own, in her own right, real estate situated in said city, town or village assessed for taxation during the year preceding the year in which she offers to vote, at \$500 or more, and no woman shall vote at such election who is under 21 years old.

By unanimous consent the substitute was accepted.

Mr. O'Neal, of Lauderdale, moved to lay the amendment of Mr. deGraffenried on the table.

The motion was lost.

The question recurred upon the adoption of the amendment offered by Mr. deGraffenried.

The amendment was adopted.

Mr. O'Neal, of Lauderdale, raised the point of order that no quorum had voted on the adoption of the amendment and demanded that the roll of the Convention be called for the ascertainment of a quorum.

The Chair (Mr. Cunningham presiding) held that a quorum had voted.

Mr. O'Neal thereupon appealed from the decision of the Chair.

The Chair was sustained.

#### ADJOURNMENT.

Pending the further consideration of the report of the Committee on Municipal Corporations, the hour of 7 o'clock p. m. having arrived, under the rules the Convention adjourned until to-morrow morning at 9 o'clock.

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#### SIXTY-SEVENTH DAY.

Montgomery, Ala., Friday, August 9, 1901.

The Convention met pursuant to adjournment.

#### ROLL CALL.

On a call of the roll of the Convention the following delegates answered to their names, which constituted a quorum:

Messrs. President,

Almol,  
Altman,  
Ashcraft,  
Banks,  
Barefield,  
Beddow,  
Bethune,  
Boone,  
Brooks,  
Browne,  
Bulger,  
Cardon,  
Carmichael (Colbert),  
Carmichael (Coffee),  
Carnathon,  
Chapman,  
Cobb,  
Cofer,  
Coleman (Greene),  
Coleman (Walker),  
Craig,  
Cunningham,  
Davis (Etowah),  
Dent,  
deGraffenried,  
Duke,  
Eley,  
Espy,  
Fitts,  
Foshee,  
Gilmore,  
Glover,  
Graham (Talladega),  
Grayson,  
Greer (Calhoun),  
Haley,  
Handley,  
Harrison,  
Heffin (Randolph),  
Henderson,

Hood,  
Howze,  
Inge,  
Jackson,  
Jones (Bibb),  
Jones (Wilcox),  
Knight,  
Kyle,  
Lomax,  
Long (Butler),  
Long (Walker),  
Lowe (Lawrence),  
Macdonald,  
McMillan (Baldwin),  
McMillan (Wilcox),  
Malone,  
Martin,  
Merrill,  
Miller (Marengo),  
Miller (Wilcox),  
Murphree,  
NeSmith,  
Norman,  
Norwood,  
Oates,  
O'Neal (Lauderdale),  
Opp,  
Palmer,  
Parker (Cullman),  
Parker (Elmore),  
Pearce,  
Pettus,  
Phillips,  
Pillans,  
Pitts,  
Porter,  
Proctor,  
Robinson,  
Rogers (Lowndes),  
Rogers (Sumter),  
Sanders,

Sanford,  
 Searcy,  
 Selheimer,  
 Sloan,  
 Smith (Mobile),  
 Smith, Mac. A.,  
 Smith, Morgan M.  
 Sorrell,  
 Spragins,  
 Studdard,  
 Thompson,

Vaughan,  
 Waddell,  
 Walker,  
 Weakley,  
 Weatherly,  
 White,  
 Whiteside,  
 Williams (Barbour),  
 Williams (Marengo),  
 Williams (Elmore),  
 Wilson (Clarke)—104.

#### LEAVE OF ABSENCE

Was granted to Messrs. Sentell for to-day and to-morrow; Cobb for Saturday; McMillan of Baldwin for Saturday, Monday, Tuesday and Wednesday; Graham of Montgomery for to-morrow; Miller of Marengo for to-morrow.

#### REPORT OF THE COMMITTEE ON THE JOURNAL.

The chairman of the Committee on the Journal submitted the following report, which was concurred in:

The Committee on the Journal beg leave to report that they have examined the Journal for the sixty-sixth day of the Convention, and that the same is correct.

Respectfully submitted,

MASSEY WILSON, *Acting Chairman.*

#### RESOLUTIONS ON FIRST READING.

The following resolutions were introduced, read one time at length, and referred to the appropriate committee as follows:

Resolution 290, by Mr. Heflin, of Chambers:

Resolved, that rule 43 of this Convention be rescinded and that in its stead the following rule shall be adopted:

Any ordinance or resolution may be recalled from a committee by a vote of the majority of the delegates

voting thereon; provided that at the time such vote is taken there is a quorum present in the hall.

And provided further, that when any matter is recalled from a committee, that matter shall immediately be passed upon by the Convention, and shall take precedence of all previous orders.

The resolution was referred to the Committee on Rules.

Resolution 291, by Mr. Long, of Walker:

Whereas, Something less than 1,000 petitions, all of the same form, kind of paper and verbatim in words, and all written upon the same typewriter, have been received by this Convention from almost every section of Alabama protesting against the pass evil, which law, if adopted, would force through poverty a great many good people of Alabama to walk, thereby causing an epidemic of the foot or hoof evil, which is much worse, and more dangerous than the pass evil; and

Whereas, This unexplained mystery, unless made known, will go down in history as the eighth wonder of the world;

Therefore, in the interest of an interested, honest and unsuspecting public, with the view of solving this, the greatest of secrets,

Therefore, be it resolved by the people of Alabama, in Convention assembled, that a committee of five be appointed by the President of this Convention, whose duty it shall be to unravel the mystery above mentioned, if possible, and to report forthwith any knowledge upon the subject obtained, to this Convention.

The said committee shall also have full power to summon and examine under oath, any person or persons residing in the State of Alabama, as witnesses, with full power to examine all letters and letter heads that accompany said petitions when they are mailed from Montgomery to the different persons in the different counties of the State of Alabama asking for signatures.

The resolution was referred to the Committee on Corporations.



## ORDINANCES ON FIRST READING.

The following ordinances were introduced, severally read one time at length, and referred to appropriate committees as follows:

Ordinance 446, by Mr. Williams, of Marengo:

To provide for indexing the stenographic report, and for supplying members of the Convention therewith, and to repeal Resolution 169, touching the same matter.

Be it ordained by the people of Alabama, in Convention assembled, that Resolution No. 169, heretofore passed by this Convention be and the same is hereby repealed.

Second. Be it further ordained that the Secretary of this Convention shall immediately on the adjournment *sine die* of this Convention, contract with some competent and reliable person to make a complete and full index of the stenographic report of the proceedings of this Convention, and that for such service he shall be authorized to spend not exceeding the sum of \$150, and said index shall be completed within forty days after adjournment of this Convention, and shall by the Secretary be placed in the hands of a reliable printer, who shall make not less than 1,200 copies thereof, and the contract entered into with such printer shall not exceed the sum of . . . . . dollars for printing the same.

The making of the index and the printing thereof shall be done under the supervision of the Secretary, who shall mail or cause to be mailed to each member of this Convention at their proper homes not less than five copies to each member of said index, and the Secretary shall place in the stenographic reports reserved for the uses of the State one each of said indexes.

Be it further ordained, That there is hereby appropriated any money in the State Treasury not otherwise appropriated, the sums of money mentioned above for compensation for the services to be rendered, and when the Secretary certifies, under his hand, to the Auditor, that the work has been fully completed above mentioned,

the Auditor shall draw his warrant upon the State Treasury for said amount in favor of the Secretary, who shall thereupon pay it over to the proper parties.

REPORT OF THE COMMITTEE ON ENGROSSMENT.

Mr. Samford, chairman of the Committee on Engrossment, submitted the following report, which was concurred in:

*Mr. President:*

The Committee on Engrossment have examined and compared the following article, to-wit: Suffrage and Elections, and find it correctly engrossed.

Respectfully submitted,

WM. H. SAMFORD, *Chairman.*

ARTICLE ON THIRD READING.

On motion of Mr. Coleman, of Greene, the Article on Suffrage and Elections was ordered to a third reading.

The article was read at length as follows and adopted: Yeas, 94; nays, 19.

YEAS.

Messrs. President,	Cobb,
Almon,	Coleman (Greene),
Altman,	Coleman (Walker),
Ashcraft,	Cornwell,
Barefield,	Craig,
Bethune,	Cunningham,
Blackwell,	Davis (Etowah),
Boone,	deGraffenried,
Brooks,	Duke,
Browne,	Eley,
Bulger,	Eyster,
Burnett,	Espy,
Burns,	Fletcher,
Cardon,	Gilmore,
Carmichael (Colbert),	Glover,
Carmichael (Coffee),	Graham (Montgomery),
Chapman,	Graham (Talladega),

Grayson,  
Greer (Calhoun),  
Haley,  
Handley,  
Heflin (Randolph),  
Henderson,  
Hinson,  
Hood,  
Howze,  
Inge,  
Jackson,  
Jones (Bibb),  
Jones (Wilcox),  
Knight,  
Ledbetter,  
Lomax,  
Long (Walker),  
Lowe (Lawrence),  
Macdonald,  
McMillan (Baldwin)  
McMillan (Wilcox),  
Malone,  
Martin,  
Merrill,  
Miller (Marengo),  
Miller (Wilcox),  
Murphree,  
NeSmith,  
Norman,  
Norwood,  
O'Neal (Lauderdale),

Opp,  
O'Rear,  
Palmer,  
Parker (Cullman),  
Parker (Elmore),  
Pearce,  
Pettus,  
Pitts,  
Proctor,  
Reese,  
Reynolds (Henry),  
Rogers (Lowndes),  
Rogers (Sumter),  
Sanders,  
Sanford,  
Selheimer,  
Smith (Mobile),  
Smith, Mac. A.,  
Smith, Morgan M.,  
Sorrell,  
Spragins,  
Thompson,  
Vaughan,  
Walker,  
Weakley,  
Whiteside,  
Williams (Barbour),  
Williams (Marengo),  
Wilson (Clarke),  
Winn—94.

#### NAYS.

Messrs. Banks,  
Reddow,  
Byars,  
Cofer,  
Dent,  
Foshee,  
Freeman,

Harrison,  
Kirkland,  
Kyle,  
Mulkey,  
Oates,  
Phillips,  
Porter,

Reynolds (Chilton),  
Sloan,  
Spears,

Studdard,  
White—19.

## ARTICLE —

### SUFFRAGE AND ELECTIONS.

Section 1. Every male citizen of this State who is a citizen of the United States, and every male resident of foreign birth, who, before the adoption of this Constitution, may have legally declared his intentions to become a citizen of the United States, 21 years old or upwards, not laboring under any of the disabilities named in this article, and possessing the qualifications required by it, shall be an elector, and shall be entitled to vote at any election by the people; provided, that all such foreigners who have declared their intentions to become citizens of the United States, shall cease to have the right to vote if they shall fail to become citizens of the United States after they are entitled to become such citizens.

Sec. 2. To entitle a citizen to vote at any election by the people, he shall have resided in the State at least two years, in the county one year, and in the precinct or ward three months, immediately preceding the election at which he offers to vote, and he shall have been duly registered as an elector, and shall have paid on or before the first day of February next preceding the date of the election at which he offers to vote, all poll taxes due from him for the year 1901, and for each subsequent year; provided, that any elector who, within three months next preceding the date of the election at which he offers to vote, has removed from one precinct or ward to another precinct or ward in the same county, incorporated town or city, shall have the right to vote in the precinct or ward from which he has so removed, if he would have been entitled to vote in such precinct or ward but for such removal.

Sec. 3. All elections by the people shall be by ballot, and all elections by persons in a representative capacity shall be *viva voce*.

Sec. 4. The following male citizens of this State, who are citizens of the United States, and every male resident of foreign birth, who, before the ratification of this Constitution, may have legally declared his intentions to become a citizen of the United States; provided that all such foreigners who have declared their intentions to become citizens of the United States shall cease to have the right to vote if they shall fail to become citizens of the United States after they are entitled to become such citizens twenty-one years old or upward, who, if their place of residence shall remain unchanged, will have, at the date of the next general election, the qualifications as to residence prescribed in Section 2 of this article, and who are not disqualified under Section 6 of this article, shall, upon application, be entitled to register as electors prior to the first day of January, 1903, namely:

First—All who have honorably served in the land or naval forces of the United States in the war of 1812, or in the war with Mexico, or in any war with the Indians, or in the war between the States, or in the war with Spain, or who honorably served in the land or naval forces of the Confederate States, or of the State of Alabama in the war between the States; or

Second—The lawful descendants of persons who honorably served in the land or naval forces of the United States in the war of the American Revolution, or in the war of 1812, or in the war with Mexico, or in any war with the Indians, or in the War between the States, or in the land or naval forces of the Confederate States, or of the State of Alabama in the war between the States; or

Third—All persons of good character and who understand the duties and obligations of citizenship under a republican form of government.

Sec. 5. After the first day of January, 1903, the following persons, and no others, who, if their place of residence shall remain unchanged, will have, at the date of the next general election, the qualifications as to residence prescribed in Section 2 of this article, shall be qualified to register as electors; provided, they shall not be disqualified under Section 6 of this article:

First—Those who, unless prevented by physical disability can read and write any article of the Constitution of the United States in the English language, and who, being physically able to work, have worked or been regularly engaged in some lawful employment, business or occupation, trade or calling, for the greater part of the twelve months next preceding the time they offer to register; provided, that persons who can neither read nor write on account of physical disability shall be allowed to register and vote if otherwise qualified, as provided in this subdivision; or

Second—The owner in good faith in his own right or the husband of a woman who is the owner in good faith in her own right, of forty acres of land situated in this State, upon which they reside; or the owner in good faith in his own right, or the husband of any woman who is the owner in good faith in her own right, of real estate situate in this State assessed for taxation at the value of \$300 or more, or the owner in good faith, in his own right, or the husband of a woman who is the owner in good faith, in her own right, of personal property in this State assessed for taxation at \$300 or more; provided, that the taxes due upon such real or personal property for the year next preceding the year in which he offers to register, shall have been paid, unless the assessment shall have been legally contested and is undetermined.

Sec. 6.—The following persons shall be disqualified both from registering and from voting, namely:

All idiots and insane persons; those who shall, by reason of conviction of crime, be disqualified from voting at the time of the ratification of this Constitution; and those who shall be convicted of treason, murder, arson, embezzlement, malfeasance in office, larceny, receiving stolen property, obtaining property or money under false pretenses, perjury, subornation of perjury, robbery, assault with intent to rob, burglary, forgery, bribery, assault and battery on the wife, bigamy, living in adultery, sodomy, incest, rape, miscegenation, crime against nature, or any crime punishable by imprisonment in the penitentiary, or of any infamous crime or

crime involving moral turpitude; also, any person who shall be convicted as a vagrant or tramp, or of selling or offering to sell his vote or the vote of another, or buying or offering to buy the vote of another in any election by the people or in any primary election or to procure the nomination or election of any person to any office, or of suborning any witness or registrar to secure the registration of any person as an elector.

Sec. 7.—No person shall be qualified to vote or participate in any primary election, party convention, mass meeting, or other method of party action of any political party or faction, who shall not possess the qualifications prescribed in this article for an elector, or who shall be disqualified under the provisions of this article from voting.

Sec. 8.—No person, not registered and qualified as an elector under the provisions of this article shall vote at the general election in 1902, or at any subsequent State, county or municipal election, general, local or special; but the provisions of this article shall not apply to any election held prior to the general election in 1902.

Sec. 9.—Any elector whose right to vote shall be challenged for any legal cause before an election officer shall be required to swear or affirm that the matter of the challenge is untrue before his vote shall be received, and any one who wilfully swears or affirms falsely thereto shall be guilty of perjury.

Sec. 10.—The General Assembly shall provide by law for the registration, after the first day of January, 1903, of all qualified electors. Until the first day of January, 1903, all electors shall be registered under and in accordance with the requirements of this Section as follows:

First—Registration shall be conducted in each county by a board of three reputable and suitable persons resident in the county, who shall not hold any elective office during their term, to be appointed within sixty days after the ratification of this Constitution by the Governor, Auditor and Commissioner of Agriculture and Industries, or a majority of them, acting as a Board of Appointment. If one or more of the persons ap-

pointed on such Board of Registration shall refuse, neglect or be unable to qualify or serve, or a vacancy or vacancies occur in the membership of the Board of Registrars from any cause, the Governor, Auditor and Commissioner of Agriculture and Industries or a majority of them acting as a Board of Appointment, shall make other appointments to fill such Board. Each registrar shall receive \$2 per day, to be paid by the State, and disbursed by the several Probate Judges, for each entire day's attendance upon the sessions of the Board.

Before entering upon the performance of the duties of his office, each registrar shall take the same oath required of the judicial officers of the State, which oath may be administered by any person authorized by law to administer oaths. The oath shall be in writing and subscribed by the registrar and filed in the office of the Probate Judge of the county.

Secoud—Prior to the first day of August, 1902, the Board of Registrars in each county shall visit each precinct at least once and oftener if necessary to make a complete registration of all persons entitled to register, and remain there at least one day from 8 o'clock in the morning until sunset. They shall give at least twenty days' notice of the time when, and the place in the precinct where they will attend to register applicants for registration, by bills posted at five or more public places in each election precinct, and by advertisement in a newspaper, if there be one published in the county, once a week for three successive weeks. Upon failure to give such notice, or to attend any appointment made by them in any precinct, they shall, after like notice, fill new appointments therein; but the time consumed by the board in completing such registration shall not exceed sixty working days in any county, except that in counties of more than 1,000 square miles in area such board may consume 75 working days in completing the registration in such county, and except that in counties in which there is any city of 8,000 inhabitants or over, the board may remain in session, in addition to the session hereinabove prescribed, for not more than three successive weeks in each of said cities; and there-



after the board may sit from time to time in each of such cities not more than one week in each month, and except that in the county of Jefferson the board may hold additional sessions, of not exceeding five consecutive days duration for each session, in any town or city of 900 or more, and less than 8,000 inhabitants. No person shall be registered except at the county site, or in the precinct at which he resides. The registrars shall issue to each person registered a certificate of registration.

Third—The Board of Registrars shall register no person between the first day of August, 1902, and the Friday next preceding the day of election in November, 1902. On Friday and Saturday next preceding the day of election in November, 1902, they shall sit in the court house of each county during such days, and shall register all applicants having the qualifications prescribed by Sections 2 and 4 of this article, and not disqualified under Sec. 6, who shall have reached the age of twenty-one years after the first day of August, 1902, or who shall prove to the reasonable satisfaction of the board that, by reason of physical disability or unavoidable absence from the county, they had not opportunity to register prior to the first day of August, 1902; and shall on such days register no other persons. When there are two or more court houses in one county, the registrars may sit during such two days at either of such court houses they may select, but shall give ten days' notice by bills posted at each of the other court houses, designating the court house at which they will so sit.

Fourth—The Board of Registrars shall hold sessions at the court house of their respective counties during the entire third week in November, 1902, and for six working days next prior to the twentieth day of December, 1902, during which sessions they shall register all persons applying who possess the qualifications prescribed in Sections 2 and 4, and who shall not be disqualified under Section 6 of this article. In counties where there are two or more court houses, the Board of Registrars shall divide the time equally between them. The Board of Registrars shall give notice of the

time and place of such sessions by posting notices at each court house in their respective counties, and at each voting place and at three other public places in the county, and by publication once a week for two consecutive weeks in a newspaper, if one be published in the county; such notices to be published and such publications to be commenced as early as practicable in the first week in November, 1902; provided, that a failure on the part of the registrars to conform to the provisions of this section as to notices to be given shall not invalidate any registration made by them.

Fifth—The Board of Registrars shall have power to examine, under oath or affirmation, all applicants for registration, and to take testimony touching the qualifications of such applicants; each member of such board is authorized to administer the oath to be taken by the applicants and witnesses, which shall be in the following form, and subscribed by the person making it, and preserved by the board, namely:

“I solemnly swear (or affirm) that in the matter of the application of ..... for registration as an elector, I will speak the truth, the whole truth, and nothing but the truth, so help me God.”

Any person, who, upon such examination, makes any wilfully false statement in reference to any material matter touching the qualification of any applicant for registration shall be guilty of perjury.

Sixth—The action of the majority of the Board of Registrars shall be the action of the board. Any person denied registration shall have the right to appeal, without giving security for costs, within thirty days after such denial, by filing a petition in the Circuit Court or court of like jurisdiction held for the county in which he seeks to vote, to have his qualifications as an elector determined. Upon filing the petition the clerk of the court shall give notice thereof to any Solicitor authorized to represent the State in said county, whose duty it shall be to appear and defend against the petition on behalf of the State. Upon such trial, the court shall charge the jury only as to what constituted the qualifications that entitled the ap-

plicant to become an elector at the time he applied for registration, and the jury shall determine the weight and effect of the evidence and return a verdict. From the judgment rendered an appeal will lie to the Supreme Court in favor of the petitioner, to be taken within thirty days. Final judgment in favor of the petitioner shall entitle him to registration as of the date of his application to the registrars.

Seventh—The Secretary of State shall, at the expense of the State, have prepared and furnished to the registrars and Probate Judges in the several counties, a sufficient number of registration books, and of blank forms of certificates of registration and of oaths and of the notices required to be given by the registrars. The cost of the publication in newspapers of the notices required to be given by the registrars shall be paid by the State, the bills therefor to be rendered to the Secretary of State, and approved by him.

Eighth—Any elector who registers for another, or who registers more than once, and any registrar who enters the name of any elector on the list of registered voters, without such elector having made application in person, under oath on a form provided for that purpose, or who knowingly registers any person more than once, or who knowingly enters a name upon the registration list as the name of a voter without any one of that name applying to register, shall be guilty of a felony.

Sec. 11.—The Board of Registrars in each county shall, on or before the first day of February, 1903, or as soon thereafter as is practicable, file in the Probate Court of their county, a complete list, sworn to by them, of all persons registered in their county, showing the age of such persons so registered, with the precinct or ward in which each of such persons reside set opposite the name of such persons and shall also file a like list in the office of the Secretary of State. The Judge of Probate shall, on or before the first day of March, 1903, or as soon thereafter as is practicable, cause to be made from such list in duplicate in the books furnished by the Secretary of State, an alphabetical list by precincts of the persons shown by the list of the registrars to have been

registered in the county, and shall file one of such alphabetical lists in the office of Secretary of State; for which services by the Probate Judges compensation shall be provided by the General Assembly. The Judges of Probate shall keep both the original list filed by the registrars and the alphabetical list made therefrom as records in the Probate Court of the county.

Unless he shall become disqualified under the provisions of this article, any one who shall register prior to the first day of January, 1903, shall remain an elector during life, and shall be required to register only in case of a change of residence, on production of his certificate. The certificate of the registrar or of the Probate Judges or of the Secretary of State shall be sufficient evidence to establish the fact of such life registration. Such certificate shall be issued free of charge to the elector, and the General Assembly shall provide by law for the renewal of such certificates when lost, mutilated or destroyed.

Sec. 12.—From and after the first day of January, 1903, any applicant for registration may be required to state under oath, to be administered by the registrar or by any person authorized by law to administer oaths, where he lived during the five years next preceding the time at which he applies to register, and the name or names that he was known by during that period, and the names of his employer or employers, if any, during such period. Any applicant for registration who refuses to state such facts, or any of them, shall not be entitled to register, and any person so offering to register who wilfully makes a false statement in regard to such matters or any of them, shall be guilty of perjury.

Sec. 13.—In the trial of any contested election, and in proceedings to investigate any election, no person other than a defendant shall be allowed to withhold his testimony on the ground that he may criminate himself or subject himself to public infamy; but such person shall not be prosecuted for any offense arising out of the transaction concerning which he testified, but may be prosecuted for perjury committed on such examination.

Sec. 14.—The General Assembly shall pass laws not inconsistent with this Constitution to regulate and govern elections, and all such laws shall be uniform throughout the State; and shall provide by law for the manner of holding elections and of ascertaining the result of the same, and shall provide general registration laws not inconsistent with the provisions of this article, for the registration of all qualified electors from and after the first day of January, 1903. The General Assembly shall also make provisions by law, not inconsistent with this article, for the regulation of primary elections, and for punishing frauds at the same, but shall not make primary elections compulsory.

The Legislature shall by law provide for purging the registration list of the names of those who die, become insane, convicted of crime or otherwise disqualified as electors under the provisions of this Constitution of any whose names may have been fraudulently entered on such list by the Registrars; provided, that a trial by jury may be had on the demand of any person whose name is proposed to be stricken from the list.

Sec. 15.—It shall be the duty of the General Assembly to pass adequate laws giving protection against the evils arising from the use of intoxicating liquors at all elections.

Sec. 16.—Electors shall in all cases, except treason, felony or breach of the peace, be privileged from arrest during their attendance at elections, or while going to or returning therefrom.

Sec. 17.—Returns of elections for all civil officers who are to be commissioned by the Governor, except Secretary of State, Auditor, Treasurer, Commissioner of Agriculture and Industries, Attorney General and Superintendent of Education, and for the members of the General Assembly, shall be made by the Secretary of State.

Sec. 18.—The poll tax mentioned in this article shall be \$1.50 upon each male inhabitant of the State, over the age of twenty-one years, and under the age of forty-five years, who would not now be exempt by law. Such poll tax shall become due and payable on the first day

of October in each year and become delinquent on the first day of the next succeeding February, but no legal process nor any fee or commission shall be allowed for the collection thereof. The Tax Collector shall make returns for poll tax collection, separate from other collections.

Sec. 19. The Legislature is authorized to raise the limit of age to which payment of poll tax is required under this article from 45 years to not more than 60 years.

Sec. 20. Any person who shall pay the poll tax of another, or advance him money for that purpose in order to influence his vote, shall be guilty of bribery and punished accordingly.

Sec. 21. If any section or subdivision of this article shall, for any reason be or be held by any court of competent jurisdiction, and of final resort, to be invalid, inoperative or void, the residue of this article shall not be thereby invalidated or affected.

#### ARTICLE ORDERED PRINTED.

On motion of Mr. Jackson, 5,000 copies of the engrossed article on Suffrage and Elections were ordered printed.

#### STENOGRAPHIC REPORT.

Messrs. Greer of Calhoun, Graham of Talladega, and Sanford called the attention of the Convention to certain errors in the stenographic report of the proceedings of yesterday.

The report was ordered corrected.

#### QUESTION OF PERSONAL PRIVILEGE.

Mr. Davis of Etowah, arose to a question of personal privilege, and proceeded to state his question of personal privilege.

COMMITTEE ON ORDER, CONSISTENCY AND HARMONY OF

## THE WHOLE CONSTITUTION.

On motion the Committee on Order, Consistency and Harmony of the Whole Constitution was granted leave to sit during the session of to-day.

## RECONSIDERATION.

Mr. Greer of Calhoun moved to reconsider the vote by which Section 7 of the Article on Municipal Corporations was adopted on yesterday.

The motion prevailed: Yeas, 87; nays, 22.

## YEAS.

Messrs. President,	Glover,
<b>Almon,</b>	<b>Grayson,</b>
Altman,	Greer (Calhoun),
Banks,	Haley,
Barefield,	Handley,
Bethune,	Harrison,
Blackwell,	Heflin (Chambers),
Brooks,	Heflin (Randolph),
Bulger,	Henderson,
Burns,	Hinson,
Byars,	Hood,
Cardon,	Howze,
Carmichael (Coffee),	Inge,
Carnathon,	Jones (Bibb),
Chapman,	Jones (Wilcox),
Cobb,	Kirkland,
Coleman (Greene),	Knight,
Coleman (Walker),	Ledbetter,
Davis (DeKalb),	Lomax,
Duke,	Long (Butler),
Eyster,	Long (Walker),
Espy,	Lowe (Lawrence),
Ferguson,	Macdonald,
Fletcher,	McMillan (Baldwin),
Freeman,	McMillan (Wilcox),
Gilmore,	Malone,

Martin,  
 Merrill,  
 Murphree,  
 NeSmith,  
 Norwood,  
 Oates,  
 O'Neal (Lauderdale),  
 O'Neill (Jefferson),  
 Opp,  
 O'Rear,  
 Palmer,  
 Parker (Cullman),  
 Parker (Elmore),  
 Pearce,  
 Phillips,  
 Pillans,  
 Proctor,  
 Reese,

Reynolds (Henry),  
 Rogers (Lowndes),  
 Rogers (Sumter),  
 Sanders,  
 Searcy,  
 Sloan,  
 Smith, Mac. A.,  
 Smith, Morgan M.  
 Vaughan,  
 Waddell,  
 Walker,  
 Watts,  
 Weakley,  
 Weatherly,  
 Williams (Marengo),  
 Williams (Elmore),  
 Winn—87.

## NAYS.

Messrs. Ashcraft,  
 Beddow,  
 Browne,  
 Cofer,  
 Cunningham,  
 Dent,  
 Eley,  
 Foshee,  
 Graham (Montgomery),  
 Jackson,  
 Jenkins,

Kyle,  
 Miller (Marengo),  
 Mulkey,  
 Pettus,  
 Pitts,  
 Porter,  
 Reynolds (Chilton),  
 Smith (Mobile),  
 Thompson,  
 Whiteside,  
 Wilson (Clarke)—22.

## PAIRS ANNOUNCED.

The following pairs were announced:

Messrs. Norman and Craig, Williams of Barbour and deGraffenried, Miller of Wilcox and Pitts. Messrs. Norman, Williams of Barbour, and Miller of Wilcox would vote aye; and Messrs. Craig, deGraffenried and Pitts would vote nay.



Mr. Coleman of Greene moved to reconsider the vote by which the amendment offered by Mr. Craig was adopted.

The motion prevailed.

Mr. Coleman of Greene offered the following substitute for the amendment offered by Mr. Craig:

To authorize contracting of the obligations or issue of bonds mentioned in Section 7 of this article, the same shall be first submitted to a vote of the qualified electors of said county, city, town, village, district or other political subdivision of this State, and voted for by a majority thereof in numbers and value of taxable property voting at such election.

Mr. Rogers of Sumter moved to table the amendment of Mr. Craig and the substitute for the amendment offered by Mr. Coleman of Greene for the amendment of Mr. Craig.

A division of the question was demanded.

The amendment of Mr. Craig was laid upon the table.

The question recurred upon the motion to table the substitute.

The motion prevailed, and the substitute was laid upon the table.

On motion of Mr. O'Neal, of Lauderdale, Section 7 was thereupon adopted.

Mr. Rogers of Sumter moved to reconsider the vote by which the new section offered by Mr. deGraffenried to the Article on Municipal Corporations was adopted on yesterday.

The motion prevailed.

On motion of Mr. Rogers of Sumter the new section offered by Mr. deGraffenried was laid upon the table.

Mr. deGraffenried asked unanimous consent to add the following amendment to Section 11 of the Article on Municipal Corporations:

Amend Section 11, Municipal Corporations, by adding the following:

And provided further, that this section shall not apply to the town of Andalusia, which town may levy and collect a tax not to exceed one-half of 1 per centum, in addition to the tax of one-half of 1 per centum as here-

inbefore allowed to be levied and collected, such special tax to be applied exclusively to the payment of interest on the bonds of said town of Andalusia now authorized by law to be issued, and for a sinking fund to pay off said bonds at the maturity thereof.

Consent was granted and the amendment was adopted.

On motion of Mr. Rogers of Sumter the Article on Municipal Corporations was ordered engrossed for a third reading and adoption.

#### REPORT OF COMMITTEE ON TAXATION.

Mr. Browne, chairman of the Committee on Taxation, called the attention of the Convention to the report of the Committee on Taxation, which had certain sections laid upon the table, to be considered immediately after the consideration of the report of the Committee on Municipal Corporations.

On motion of Mr. Browne Section 7 of the Article XI on Taxation was laid upon the table.

Mr. Browne offered the following amendment to Section 10:

Provided, This section shall not apply to the cities of Sheffield and Tuscumbia.

The amendment was adopted.

On motion of Mr. Browne Section 10, as amended, was adopted.

#### SECTION ELEVEN.

Mr. Browne, chairman of the Committee on Taxation, offered the following amendment to the Article on Taxation, said amendment to constitute a new section:

Sec. 11. The Legislature may levy a tax of not more than two and one-half per centum on every \$100 of the value of all estate, real, personal and mixed, money, public and private securities of every kind passing from any person who may die, seized and possessed thereof, being in this State, or any part of such estate, money or securities, or interest therein transferred by

the intestate laws of this State, or by will, deed, grant, bargain, sale or gift, made or intended to take effect in possession after the death of the grantor, deviser or donor to any person or persons, bodies politic or corporate, in trust or otherwise, other than to or for the use of the father, mother, husband, wife, brothers, sisters, children or lineal descendants of the grantor, deviser, donor or intestate.

The amendment was adopted.

#### SECTION FIVE.

Mr. Browne, chairman of the Committee on Taxation, moved to take up Section 5.

The motion prevailed.

Mr. Brown thereupon moved to table amendments to Section 5.

The motion prevailed, and all amendments were laid upon the table.

Mr. Browne thereupon offered the following amendment to Section 5, which was adopted:

Amendment to Section 5, Article XI:

Strike out of Section 5 all after the words "and collected" in line twelfth (of the printed copy.)

Mr. Browne moved that the Article XI on Taxation be ordered engrossed for a third reading and adoption.

The motion prevailed and the Article XI was ordered engrossed for a third reading.

#### ADJOURNMENT.

The hour of 1 o'clock p. m. having arrived, under the rules the Convention recessed until 3:30 this afternoon.

#### AFTERNOON SESSION.

The Convention met pursuant to adjournment.

#### ROLL CALL.

On a call of the roll of the Convention the following delegates answered to their names, which constituted a quorum:

**Messrs. President,**  
**Almon,**  
**Altman,**  
**Ashcraft,**  
**Barefield,**  
**Beddow,**  
**Bethune,**  
**Blackwell,**  
**Boone,**  
**Browne,**  
**Bulger,**  
**Burns,**  
**Cardon,**  
**Carmichael (Colbert),**  
**Carmichael (Coffee),**  
**Carnathon,**  
**Chapman,**  
**Coleman (Greene),**  
**Coleman (Walker),**  
**Cornwell,**  
**Craig,**  
**Cunningham,**  
**Davis (Etowah),**  
**Dent,**  
**deGraffenried,**  
**Duke,**  
**Eley,**  
**Eyster,**  
**Espy,**  
**Ferguson,**  
**Fletcher,**  
**Freeman,**  
**Gilmore,**  
**Glover,**  
**Graham (Montgomery),**  
**Graham (Talladega),**  
**Grant,**  
**Grayson,**  
**Greer (Calhoun),**  
**Greer (Perry),**  
**Haley,**

**Handley,**  
**Harrison,**  
**Heflin (Chambers),**  
**Heflin (Randolph),**  
**Henderson,**  
**Hood,**  
**Howze,**  
**Inge,**  
**Jackson,**  
**Jenkins,**  
**Jones (Bibb),**  
**Jones (Wilcox),**  
**Kirkland,**  
**Lomax,**  
**Long (Walker),**  
**Lowe (Jefferson),**  
**Lowe (Lawrence),**  
**Macdonald,**  
**McMillan (Baldwin),**  
**Martin,**  
**Maxwell,**  
**Merrill,**  
**Miller (Marengo),**  
**Miller (Wilcox),**  
**Mulkey,**  
**Murphree,**  
**McSmith,**  
**O'Neal (Lauderdale),**  
**O'Neill, (Jefferson),**  
**O'Rear,**  
**Palmer,**  
**Parker (Cullman),**  
**Parker (Elmore),**  
**Pearce,**  
**Phillips,**  
**Pillans,**  
**Pitts,**  
**Porter,**  
**Reese,**  
**Reynolds (Henry),**  
**Rogers (Lowndes),**

Rogers (Sumter),  
Samford,  
Sanford,  
Searcy,  
Smith (Mobile),  
Smith, Mac. A.,

Vaughan,  
Waddell,  
Walker,  
Weatherly,  
Williams (Barbour),  
Winn—95.

On motion the privileges of the floor were extended to Hon. C. W. Thompson.

#### RECONSIDERATION.

Mr. Wilson of Clarke moved to reconsider the vote by which the Article on Municipal Corporations was ordered engrossed for a third reading and adoption, which motion under the rules goes over until to-morrow.

Mr. Wilson of Clarke moved to take from the table a motion to reconsider Section 6, and make it and the consideration of the motion to reconsider Section 6 a special order immediately after the consideration of the motion to reconsider the vote by which the article was ordered to a third reading.

Mr. Ashcraft raised the point of order that a motion to take from the table, and the motion to fix a time when a motion to take from the table might be made, are both out of order and cannot displace the regular order without a suspension of the rules, to make any motion in reference to any matter that is now pending before the Convention.

The President stated that he would rule on the point of order made by Mr. Ashcraft after conferring with some parliamentarians.

The point of order was not ruled upon.

#### QUESTION OF PERSONAL PRIVILEGE.

Mr. Carmichael of Coffee arose to a question of personal privilege and proceeded to state his question of personal privilege, in regard to the letter accompany-

ing the petition introduced by himself this morning, and stated that he desired to withdraw the letter.

Objection was made to his withdrawing said letter.

Mr. Coleman of Greene moved that Mr. Carmichael of Coffee be allowed to withdraw his letter.

Mr. Heflin of Chambers moved to table the motion of Mr. Coleman of Greene.

The motion was lost.

The question recurred upon the motion of Mr. Coleman of Greene.

The motion of Mr. Coleman of Greene prevailed.

#### REGULAR ORDER.

The Convention proceeded to the consideration of the regular order, which was the report of the Committee on Amending the Constitution and Miscellaneous Provisions.

On motion of Mr. Merrill, the acting chairman, the report was considered section by section.

#### SECTION ONE.

Was read at length as follows, and adopted :

Sec. 1. No person holding an office of profit under the United States, except postmasters, whose annual salaries do not exceed \$200, shall, during his continuance in such office, hold any office of profit under this State; nor shall any person hold two offices of profit at one and the same time under this State except Justices of the Peace, Constables, Notaries Public and Commissioners of Deeds.

#### SECTION TWO.

Was read at length as follows, and adopted :

Sec. 2. The salary, fees or compensation of any officer holding any civil office of profit under this State, or any county or municipality thereof, shall not be increased or diminished during the term for which he shall have been elected or appointed.

## SECTION THREE.

Was read at length as follows, and adopted :

Sec. 3. It is made the duty of the General Assembly to enact all laws necessary to give effect to the provisions of this Constitution.

On motion of Mr. Merrill, acting chairman of the committee, the report was ordered engrossed for a third reading and adoption.

The Convention proceeded to the consideration of an ordinance to prescribe the mode in which the Constitution may be amended.

## SECTION ONE.

Was read at length as follows :

1. Amendments may be proposed to this Constitution by the General Assembly in the manner following: The proposed amendments shall be read in the House in which they originate on three several days, and if upon the third reading three-fifths of all the members elected to that House shall vote in favor thereof the proposed amendments shall be sent to the other House, in which they shall likewise be read on three several days, and if upon the third reading, three-fifths of all the members elected to that House shall vote in favor of the proposed amendments, the General Assembly shall order an election by the qualified electors of the State upon such proposed amendments, to be held either at the general election next succeeding the session of the General Assembly at which the amendments are proposed or upon another day appointed by the General Assembly not less than three months after adjournment of the session of the General Assembly at which the amendments are proposed. Notice of such election, together with the proposed amendments shall be given by proclamation of the Governor, which shall be published in every county in such manner as the General Assembly shall direct, for at least eight weeks successively next preceding the day appointed for such election. On the day so appointed an election shall be held for the vote of the

qualified electors of the State on the proposed amendments. If such election be held on the day of the general election, the officers of the general election shall open a poll for the vote of the qualified electors on the proposed amendments; if it be held on a day other than that of a general election, officers for such election shall be appointed and the election shall be held in all things in accordance with the law governing general elections. In all elections upon such proposed amendments the votes cast thereat shall be canvassed, tabulated, and returns thereof made to the Secretary of State, and counted, in the same manner as is done in elections for Representatives in the General Assembly, and if it shall thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendments, in favor of the same, such amendments shall be valid to all intents and purposes, as parts of this Constitution. The result of such election shall be made known by proclamation of the Governor.

Mr. Coleman of Greene offered the following amendment to Section 1:

Provided, That representation in the Legislature shall be based upon population, and such basis of representation shall not be changed by Constitutional amendment.

Mr. Cunningham moved to table the amendment offered by Mr. Coleman of Greene.

The motion to table was lost: Yeas, 27; nays, 82.

#### YEAS.

Messrs. Beddow,  
Burnett,  
Byars,  
Cardon,  
Cofer,  
Cunningham,  
Eyster,  
Haley,  
Harrison,

Henderson,  
Jackson,  
Long (Walker),  
Lowe (Lawrence),  
Murphree,  
Oates,  
Parker (Cullman),  
Pearce,  
Phillips,



Porter,  
Proctor,  
Reynolds (Henry),  
Sanders,  
Sloan,

Sorrell,  
Spears,  
Studdard,  
White—27.

## NAYS.

Messrs. Almon,  
Altman,  
Banks,  
Barefield,  
Bethune,  
Blackwell,  
Browne,  
Bulger,  
Burns,  
Carmichael (Coffee),  
Carnathan,  
Chapman,  
Cobb,  
Coleman (Greene),  
Coleman (Walker),  
Craig,  
Davis (Etowah),  
Dent,  
deGraffenried,  
Duke,  
Eley,  
Espy,  
Ferguson,  
Fletcher,  
Gilmore,  
Glover,  
Graham (Montgomery),  
Graham (Talladega),  
Grayson,  
Greer (Calhoun),  
Greer (Perry),  
Handley,  
Heflin (Chambers),

Heflin (Randolph),  
Hinson;  
Hood,  
Howze,  
Inge,  
Jenkins,  
Jones (Bibb),  
Jones (Hale),  
Jones (Wilcox),  
Knight,  
Ledbetter,  
Lomax,  
Macdonald,  
McMillan (Wilcox),  
Malone,  
Martin,  
Merrill,  
Miller (Marengo),  
Miller (Wilcox),  
NeSmith,  
Norman,  
Norwood,  
O'Neal (Lauderdale),  
Opp,  
O'Rear,  
Palmer,  
Parker (Elmore),  
Pettus,  
Pillans,  
Pitts,  
Reese,  
Rogers (Lowndes),  
Rogers (Sumter),

Sanford,  
Searcy,  
Smith (Mobile),  
Spragins,  
Thompson,  
Vaughan,  
Waddeß,  
Walker,

Watts,  
Weakley,  
Weatherly,  
Williams (Barbour),  
Williams (Marengo),  
Williams (Elmore),  
Wilson (Clarke),  
Winn—82.

Mr. O'Neal of Lauderdale offered the following amendment to Section 1:

Amend by striking out the words "three-fifths" wherever they occur in said section, and insert the words "two-thirds" in lieu thereof.

On motion of Mr. Jenkins the amendment offered by Mr. O'Neal of Lauderdale was laid upon the table.

Mr. Sanford offered the following amendment to Section 1:

Amend Section 1 by striking out the words "three fifths" in the third and sixth lines of said section, and inserting in lieu thereof the words "a majority of the votes of all the members elected to each House of the Legislature."

On motion of Mr. Dent the amendment was laid upon the table.

On motion of Mr. Merrill Section 1, as amended, was adopted.

## SECTION TWO.

Was read at length as follows:

2. Upon the ballots to be used at all elections provided in Section 1 of this article, the substance or subject matter of each proposed amendment shall be printed so that the nature thereof shall be clearly indicated, following each proposed amendment on the ballot shall be printed the words "Yes" and immediately following that shall be printed the word "No." The choice of the elector shall be indicated by a cross mark before the answer he desires.

Mr. Watts offered the following amendment to Section 2, which was adopted:

Add at the end of Section 2 the following:

And no amendment shall be adopted unless it receives the affirmative vote of a majority of all the qualified electors who vote at such election.

On motion of Mr. Merrill Section 2, as amended, was adopted.

### SECTION THREE.

3. No convention shall hereafter be held for the purpose of altering or amending the Constitution of this State, unless after the General Assembly, by a vote of a majority of all the members elected to each House, has passed an act or resolution calling a Convention for such purpose, the question of Convention or No Convention shall first be submitted to a vote of all the qualified electors of the State, and approved by a majority of those voting at such election. No act or resolution of the General Assembly calling a convention for the purpose of altering or amending the Constitution of this State shall be repealed except upon the vote of a majority of all the members elected to each House at the same session at which such act or resolution was passed.

Was read at length.

Mr. Weatherly offered the following amendment to Section 3, which was adopted:

Provided, Nothing herein contained shall be construed as restricting the jurisdiction and power of the Convention when duly assembled in pursuance of this section, to establish ordinances and to do and perform such things as to the Convention may seem necessary or proper to alter, revise or amend the existing Constitution.

On motion of Mr. Merrill Section 3, as amended, was adopted.

## SECTION FOUR.

Was read at length as follows, and adopted:

4. All votes of the General Assembly upon proposed amendments to this Constitution, and upon bills or resolutions calling a Convention for the purpose of altering or amending the Constitution of this State shall be taken by yeas and nays and entered on the Journals. No act or resolution of the General Assembly passed in accordance with the provisions of this article proposing amendments to this Constitution, or calling a convention for the purpose of altering or amending the Constitution of this State shall be submitted for the approval of the Governor, but shall be valid without his approval.

On motion of Mr. Merrill the ordinance was ordered engrossed for a third reading and adoption.

## ADJOURNMENT.

On motion of Mr. Blackwell, the Convention adjourned until 9 o'clock to-morrow morning.

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## SIXTY-EIGHTH DAY.

## CONVENTION HALL.

Montgomery, Ala., Saturday, August 10, 1901.

The Convention met pursuant to adjournment.

## ROLL CALL.

On a call of the roll of the Convention, the following delegates answered to their names, which constituted a quorum:

<b>Messrs. President,</b>	<b>Jackson,</b>
<b>Almon,</b>	<b>Jones (Bibb),</b>
<b>Altman,</b>	<b>Jones (Wilcox),</b>
<b>Banks,</b>	<b>Kirkland,</b>
<b>Barefield,</b>	<b>Knight,</b>
<b>Beddow,</b>	<b>Lomax,</b>
<b>Bethune,</b>	<b>Long (Butler),</b>
<b>Blackwell,</b>	<b>Lowe (Lawrence),</b>
<b>Brooks,</b>	<b>Macdonald,</b>
<b>Browne,</b>	<b>McMillan (Baldwin),</b>
<b>Bulger,</b>	<b>McMillan (Wilcox),</b>
<b>Byars,</b>	<b>Malone,</b>
<b>Cardon,</b>	<b>Martin,</b>
<b>Carmichael (Colbert),</b>	<b>Maxwell,</b>
<b>Carmichael (Coffee),</b>	<b>Merrill,</b>
<b>Carnathon,</b>	<b>Miller (Marengo),</b>
<b>Chapman,</b>	<b>Morrisette,</b>
<b>Cofer,</b>	<b>Mulkey,</b>
<b>Coleman (Greene),</b>	<b>Murphree,</b>
<b>Davis (DeKalb),</b>	<b>Norman,</b>
<b>Davis (Etowah),</b>	<b>Oates,</b>
<b>Dent,</b>	<b>O'Neal (Lauderdale),</b>
<b>deGraffenried,</b>	<b>Opp,</b>
<b>Eley,</b>	<b>O'Rear,</b>
<b>Eyster,</b>	<b>Palmer,</b>
<b>Fletcher,</b>	<b>Parker (Cullman),</b>
<b>Freeman,</b>	<b>Pettus,</b>
<b>Glover,</b>	<b>Phillips,,</b>
<b>Graham (Montgomery),</b>	<b>Pillans,</b>
<b>Graham (Talladega),</b>	<b>Pitts,</b>
<b>Grayson,</b>	<b>Porter,</b>
<b>Greer (Calhoun),</b>	<b>Reynolds (Henry),</b>
<b>Greer (Perry),</b>	<b>Rogers (Lowndes),</b>
<b>Haley,</b>	<b>Samford,</b>
<b>Handley,</b>	<b>Sanders,</b>
<b>Heflin (Randolph),</b>	<b>Sanford,</b>
<b>Henderson,</b>	<b>Sloan,</b>
<b>Hinson,</b>	<b>Smith (Mobile),</b>
<b>Hood,</b>	<b>Sorrell,</b>
<b>Howze,</b>	<b>Spears,</b>
<b>Inge,</b>	<b>Spragins.</b>

Studdard,  
Tayloe,  
Thompson,  
Waddell,  
Walker,  
Watts,  
White,

Whiteside,  
Williams (Barbour),  
Williams (Marengo),  
Williams (Elmore),  
Wilson (Clarke),  
Wilson (Washington),  
Winn—96.

#### LEAVE OF ABSENCE.

Was granted to Messrs. Kyle for to-day, Monday and Tuesday; Burnett for to-day and Monday; Bulger for Monday, Tuesday and Wednesday; Locklin from 5th of August to and including to-day; M. M. Smith for Monday and Tuesday; Pitts for Monday and Tuesday.

#### STENOGRAPHIC REPORT.

Messrs. O'Neal of Lauderdale, and Browne called the attention of the Convention to certain errors in the stenographic report of the proceedings of yesterday. The report was ordered corrected.

#### REPORT OF THE COMMITTEE ON THE JOURNAL.

The chairman of the Committee on the Journal submitted the following report, which was concurred in:

The Committee on the Journal beg leave to report that they have examined the Journal for the sixty-seventh day of the Convention, and that the same is correct.

Respectfully submitted,

JOHN F. PROCTOR, *Chairman.*

#### QUESTION OF PERSONAL PRIVILEGE.

Mr. Pitts arose to a question of personal privilege, and proceeded to state his question of personal privilege.

Mr. O'Neal of Lauderdale also arose to a question of personal privilege, and proceeded to state his question of privilege.

## RESOLUTION ON FIRST READING.

The following resolution was introduced, read one time, and on motion of Mr. Williams of Elmore, the rules were suspended and the resolution was adopted :

Resolution 292, by Mr. Williams, of Marengo :

Resolved, That this Convention adjourn at 1 o'clock to-day and convene again at 12 o'clock on Monday next.

## ORDINANCES ON FIRST READING.

The following ordinances were introduced, severally read one time at length, and referred to appropriate committees, as follows :

Ordinance 447, by Mr. Long, of Walker :

Be it ordained by the people of Alabama, in Convention assembled, That the Secretary of this Convention is instructed to obtain a sufficient number of the stenographic report with the indices thereto and to have the same properly bound so that he may forward each member of this Convention one of the said copies, and he is hereby instructed to forward to each member of this Convention one of said copies as he has obtained the same, and for his services he shall be paid the sum of \$25, for which amount the Auditor is authorized to draw his warrant on the State Treasurer, and said sum is hereby appropriated out of the moneys of the State not heretofore otherwise appropriated for paying for such services.

The ordinance was referred to the Committee on Rules.

## REGULAR ORDER.

The Convention proceeded to the consideration of the regular order, which was the supplementary report of the Committee on Amending the Constitution and Miscellaneous Provisions.

Ordinance 412, by Mr. Merrill was thereupon read at length as follows :

An ordinance relating to the bonded indebtedness of

the State.

Be it ordained by the people of the State of Alabama in Convention assembled, that an act of the General Assembly of Alabama entitled "An act to consolidate and adjust the bonded debt of the State of Alabama," approved February 18th, 1895, and an act amendatory thereto entitled "An act to amend Section 6 of an act to consolidate and adjust the bonded debt of the State of Alabama," approved February 18th, 1895, which said last named act was approved February 16th, 1899, be and the same are hereby made valid and both of said acts shall have the full force and effect of law. The Governor is authorized and empowered to act under the same and carry out all the provisions thereof.

Mr. Merrill offered the following amendment to the ordinance 412, which was adopted:

Amend ordinance No. 412 by adding at the end thereof the following:

Provided that the bonds mentioned in said acts and issued thereunder may be made payable at any time, not exceeding fifty years from the date thereof, and shall not be redeemable until their maturity.

The ordinance, as amended, was read a third time at length and adopted: Yeas, 84; nays, 6.

#### YEAS.

Messrs. President,  
Almon,  
Altman,  
Banks,  
Barefield,  
Beavers.  
Beddow,  
Bethune,  
Blackwell,  
Browne,  
Bulger,  
Burns,  
Cardon,  
Chapman,

Coleman (Greene),  
Davis (DeKalb),  
Davis (Etowah),  
Dent,  
deGraffenried,  
Duke,  
Eley,  
Eyster,  
Fletcher,  
Gilmore,  
Glover,  
Graham (Talladega),  
Greer (Calhoun),  
Greer (Perry),



Haley,  
 Handley,  
 Heflin (Chambers),  
 Heflin (Randolph),  
 Henderson,  
 Hinson,  
 Hood,  
 Howze,  
 Inge,  
 Jackson,  
 Jenkins,  
 Jones (Bibb),  
 Jones (Wilcox),  
 Kirkland,  
 Knight,  
 Long (Walker),  
 Macdonald,  
 McMillan (Wilcox),  
 Malone,  
 Martin,  
 Merrill,  
 Miller (Marengo),  
 Mulkey,  
 Murphree,  
 NeSmith,  
 Norman,  
 Oates,  
 O'Neal (Lauderdale).

Opp,  
 O'Rear,  
 Palmer,  
 Parker (Cullman),  
 Parker (Elmore),  
 Pettus,  
 Pilians,  
 Pitts,  
 Porter,  
 Proctor,  
 Reynolds (Henry),  
 Rogers (Lowndes),  
 Rogers (Sumter),  
 Samford,  
 Sanders,  
 Sanford,  
 Smith (Mobile),  
 Spears,  
 Spragins,  
 Studdard,  
 Waddell,  
 Walker,  
 Watts,  
 White,  
 Whiteside,  
 Williams (Barbour),  
 Williams (Marengo),  
 Williams (Elmore)—84.

#### NAYS.

Messrs. Brooks,  
 Byars,  
 Cofer,

Freeman,  
 Phillips,  
 Sloan—6.

On motion of Mr. Merrill Ordinance 412 was ordered engrossed and referred to the Committee on Order, Consistency and Harmony of the Whole Constitution.

The Convention proceeded to the regular order, which was the supplementary report to the Committee on Amending the Constitution and Miscellaneous Provisions.

Ordinance 390, by Mr. Spears, was read at length as follows:

An ordinance to provide for the establishment of a court house and jail at some point, to be determined by an election by the people, in that portion of St. Clair which lies south and southeast of Back Bone Mountain, and which is embraced in precincts numbered 9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 20 and 21 in said county.

Be it ordained by the people of Alabama in Convention assembled:

First—That it shall be the duty of the Probate Judge of St. Clair county to order an election to be held in precincts numbered 9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 20 and 21, in St. Clair county, not later than sixty days after the ratification of the Constitution to be submitted by this Convention, for a vote of the qualified electors in said precincts, at which a court house and a jail shall be erected and maintained. Officers for such election shall be appointed, and the election in all things in accordance with the law governing general elections. Upon the ballot to be used at such election the names of all places to be voted on shall be printed, and the choice of the elector shall be indicated by a cross mark before the place of his choice. The votes cast at such election shall be canvassed, tabulated, returns thereof made, and counted, in the same manner as is done in elections for Sheriff and other county officers. At the place receiving the highest number of votes at such election there shall be erected and maintained a court house and jail for the trial of all cases and the transaction of all legal business originating in said precincts 9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 20 and 21.

The venue of all actions and suits (other than such as are to be tried before Justices of the Peace) in which only residents of that portion of said St. Clair which lies south and southeast of Back Bone mountain are defendants, shall, except as otherwise provided by law, be at the court house herein provided for; provided, however, that Asheville, in St. Clair county, shall con-

tinue to be the county seat until changed by vote of the qualified electors residing in that part of St. Clair county which lies north and northwest of said Back Bone Mountain.

Second—The Court of County Commissioners of St. Clair county shall, at its first regular meeting after the election provided for in Section 1 of this ordinance, take all the necessary steps and make all necessary orders to issue and sell bonds of St. Clair county to the amount of \$10,000, the proceeds to be used only for the erection and equipment of such court house and jail, or to provide by other means a sufficient amount of money to erect a suitable court house and jail at the place which shall have been selected in accordance with said Section 1, and to properly equip and furnish the same with record books and other necessary equipments; provided however, that if said Court of County Commissioners shall levy a tax for such purpose, such tax shall be levied on all taxable property in said county, but all of such tax shall not be levied and collected in one year. And provided further, that such court house and jail shall be completed in every way and shall be ready for the holding of court and the transaction of legal business on or before the first day of the spring term, 1903, of the Circuit Court of St. Clair county.

Third—The Sheriff, Probate Judge, Circuit Clerk, Register in Chancery, Tax Assessor, Tax Collector, and Superintendent of Education of St. Clair county, shall keep offices in the court house, which shall be built in accordance with the provisions of this ordinance.

Fourth—The General Assembly at its first meeting after the ratification of the Constitution to be submitted to the people by this Convention, shall enact laws regulating the holding of courts at the court house provided for in this ordinance.

Fifth—This ordinance shall be valid and effective if the Constitution which shall be framed by this Convention, be ratified by the people. Otherwise it shall be void.

Mr. Beavers offered the following amendment to the ordinance 390, introduced by Mr. Spears:

Amend ordinance No. 390, as reported by the Committee on Amending the Constitution and Miscellaneous Provisions, as follows:

Amend caption by adding thereto the following:

And also to establish a court house and jail for Shelby county at some point on the Central of Georgia railway in Shelby county, to be determined by an election by the qualified voters of that portion of Shelby county lying in precincts numbered 8, 9, 10, 11, 13, 14, 15, 16 and 18, in said county.

Amend Section 1 by adding thereto the following:

That it shall be the duty of the Judge of Probate of Shelby county to order an election to be held in precincts numbered 8, 9, 10, 11, 13, 14, 15, 16 and 18, in Shelby county, not later than sixty days after the ratification of the Constitution to be submitted by this Convention, for a vote of the qualified electors in said precincts for the selection of a place at which a court house and jail shall be erected and maintained. Officers of said election shall be appointed and the election conducted and the result ascertained in all things as provided by the laws governing general elections so far as the same are applicable. Upon the ballots to be used at said election the names of all places to be voted on shall be printed, and the choice of the elector shall be indicated by a cross mark before the place of his choice. At the place receiving the highest number of votes at such election there shall be erected and maintained a court house and jail for the trial of all causes and the transaction of all legal business originating in said precincts 8, 9, 10, 11, 13, 14, 15, 16 and 18, and the venue in all actions and suits (other than such as are tried before Justices of the Peace) in which only residents of that portion of Shelby county lying within said precincts 8, 9, 10, 11, 13, 14, 15, 16 and 18, and defendants shall, except as otherwise provided by law, be at the court house herein provided for; provided, that Columbiana, in Shelby county, shall continue to be the county seat until changed by vote of the quali-

fied electors residing in that part of Shelby county not embraced in precincts numbered 8, 9, 10, 11, 13, 14, 15, 16 and 18, in said county.

Amend Section 2 by adding after the word "county" in the first line, the words "and the Court of County Commissioners of Shelby county, respectively," and by inserting after the word "county" in the third line, the words "and Shelby county, respectively," and by inserting after the words "court house and jail," in line eleven, the words "for St. Clair county," and by adding at the end of said section the following, "and such court house and jail for Shelby county shall be completed in every way and ready for the holding of courts and the transaction of legal business on or before the first day of September, 1903."

Amend Section 3, by adding thereto the following "and said officers for Shelby county shall likewise keep offices in the additional court house, which shall be erected in accordance with the provisions of this ordinance in the county of Shelby."

Amend Section 4 by inserting after the words "court house" in line three, the words "or court houses."

Mr. Jenkins moved to table the ordinance 390, offered by Mr. Spears, and the substitute offered by Mr. Beavers.

A division of the question was demanded.

The question recurred upon the motion to table the substitute offered by Mr. Beavers.

The motion to table was lost.

The question recurred upon the motion to table the ordinance (390) offered by Mr. Spears.

The motion to table was lost.

Mr. Browne offered the following amendment to the amendment offered by Mr. Beavers, which was adopted by unanimous consent:

After the word Shelby county in first provision, second page, and strike out the words "that part of" in said provision.

The substitute as amended was adopted.

The question recurred upon the adoption of the ordinance 390 as amended by the amendment offered by Mr. Beavers.

The ordinance, as amended, was adopted: Yeas, 80; nays, 8.

YEAS.

Messrs. President,	Jones (Bibb),
Almon,	Jones (Wilcox),
Altman,	Kirkland,
Banks,	Knight,
Barefield,	Ledbetter,
Beddow,	Lomax,
Bethune,	Long (Walker),
Blackwell,	Lowe (Lawrence),
Brooks,	Macdonald,
Browne,	McMillan (Wilcox),
Bulger,	Malone,
Burns,	Miller (Marengo),
Byars,	Mulkey,
Cardon,	Murphree,
Carmichael (Coffee),	NeSmith,
Cofer,	Norman,
Davis (Etowah),	O'Neal (Lauderdale),
deGraffenried,	Opp,
Duke,	O'Rear,
Fletcher,	Palmer,
Freeman,	Parker (Cullman),
Gilmore,	Parker (Elmore),
Glover,	Phillips,
Graham (Talladega),	Pillans,
Grayson,	Pitts,
Greer (Calhoun),	Porter,
Haley,	Reynolds (Henry),
Handley,	Rogers (Lowndes),
Heflin (Chambers),	Rogers (Sumter),
Heflin (Randolph),	Sanders,
Henderson,	Sloan,
Hinson,	Smith (Mobile),
Hood	Spears,
Howze,	Studdard,
Inge,	Waddell,
Jackson,	Walker,

Watts,  
Weatherly,  
White,  
Whiteside,

Williams (Barbour),  
Williams (Marengo),  
Williams (Elmore),  
Winn—80.

#### NAYS.

Messrs. Eley,  
Eyster,  
Jenkins,  
Merrill,

Oates,  
Pettus,  
Samford,  
Spragins—8.

The ordinance 390 was ordered engrossed and referred to the Committee on Order, Consistency and Harmony of the Whole Constitution.

#### REPORT OF THE COMMITTEE ON SCHEDULE, PRINTING AND INCIDENTAL EXPENSES.

Mr. Heflin of Randolph, chairman of the Committee on Schedule, Printing and Incidental Expenses, submitted the following report, which was read at length, laid upon the table and 300 copies ordered printed:

Report of the Committee on Schedule, Printing and Incidental Expenses.

*Mr. President:*

The Committee on Schedule, Printing and Incidental Expenses has instructed me to make the following partial report, viz.:

The committee has audited the accounts hereto attached, and finds that the State of Alabama is charged by parties named in this report the amounts set opposite their names for articles furnished said State for use of Constitutional Convention, all of said accounts are itemized as shown by bills hereto attached.

We find said State of Alabama charged by D. F. Gorie, of Montgomery, Ala., \$22.50.

We find said State charged by Joseph S. Wing, of Montgomery, Ala., \$44.70.

We find said State charged by Tennille Furniture Co., of Montgomery, Ala., \$12.00.

We find said State of Alabama charged by B. Wolff, of Montgomery, Ala., \$12.75.

We find said State charged by John L. Cobbs & Co., of Montgomery, Ala., \$29.15.

We find said State charged by Wolff & Loeb, of Montgomery, Ala., \$28.50.

We find said State charged by Ellis & Gay, of Montgomery, Ala., \$18.00.

Your committee has carefully examined each account and after a careful examination of each item named in said accounts have come to the conclusion that many of the charges are excessive, and we recommend that the following named parties or firms be paid the following amounts:

D. F. Gorrie .....	\$17.50
Joseph S. Wing .....	28.50
Tennille Furniture Company .....	12.00
B. Wolff .....	11.00
John L. Cobbs & Co. ....	20.00
Wolff & Loeb .....	25.00
Ellis & Gay .....	10.00
Miss Mamie Offutt .....	8.00

All of which is respectfully submitted,

JOHN T. HEFLIN, *Chairman.*

Committee on Schedule, Printing and Incidental Expenses.

#### REGULAR ORDER.

The Convention proceeded to the consideration of the regular order, which was the report of the Committee on Representation.

On motion of Mr. Pitts the report was ordered considered section by section.

#### SECTION ONE.

Was read at length as follows, and adopted:

Section 1. The whole number of Senators shall be not less than one-fourth, or more than one-third of the whole number of Representatives.



## SECTION TWO.

Was read at length as follows:

Sec. 2 The House of Representatives shall consist of not more than one hundred and five members, unless new counties are created, in which event each county shall be entitled to one Representative. The members of the House of Representatives shall be apportioned by the General Assembly among the several counties of the State, according to the number of inhabitants in them respectively, as ascertained by the decennial census of the United States; which apportionment when made shall not be subject to alteration until the next session of the General Assembly after the next decennial census of the United States shall have been taken.

The minority report, as heretofore adopted, was, by unanimous consent, withdrawn.

Section 2 was thereupon adopted.

## SECTION THREE.

Was read at length as follows, and adopted:

Sec. 3. It shall be the duty of the General Assembly at its first session after the taking of the decennial census of the United States in the year 1910, and after each subsequent decennial census, to fix by law the number of Representatives, and apportion them among the several counties of the State, according to the number of inhabitants in them respectively; provided, that each county shall be entitled to at least one Representative.

## SECTION FOUR.

Was read at length as follows and adopted:

Sec. 4. It shall be the duty of the General Assembly at its first session after the taking of the decennial census of the United States in the year 1910, and after each subsequent decennial census, to fix by law the number of Senators, and to divide the State into as many Senatorial districts as there are Senators, which districts shall be as nearly equal to each other in the number of

inhabitants as may be, and each shall be entitled to one Senator, and no more; and which districts, when formed, shall not be changed until the next apportioning session of the General Assembly after the next decennial census of the United States shall have been taken; provided, that counties created after the next preceding apportioning session of the General Assembly may be attached to Senatorial districts. No county shall be divided between two districts, and no district shall be made of two or more counties not contiguous to each other.

## SECTION FIVE.

Was read at length as follows, and adopted:

Sec. 5. Should the decennial census of the United States, from any cause, not be taken, or if when taken, the same, as to this State, is not fully satisfactory, the General Assembly shall have power at its first session after the time shall have elapsed for the taking of said census, to provide for an enumeration of all the inhabitants of this State, and once in each ten years thereafter, upon which it shall be the duty of the General Assembly to make the apportionment of Representatives and Senators, as provided for in this article.

## SECTION SIX.

Was read at length as follows, and adopted:

Sec. 6. Until the General Assembly shall make an apportionment of Representatives among the several counties, at its first session after the taking of the decennial census of the United States in the year nineteen hundred and ten, as herein provided, the counties of Autauga, Baldwin, Bibb, Blount, Cherokee, Chilton, Choctaw, Clay, Cleburne, Coffee, Colbert, Conecuh, Coosa, Covington, Crenshaw, Cullman, Dale, DeKalb, Escambia, Fayette, Franklin, Geneva, Greene, Lamar, Lawrence, Limestone, Macon, Marion, Marshall, Monroe, Pickens, Randolph, St. Clair, Shelby, Washington, and Winston shall each have one Representa-

tive; the counties of Barbour, Bullock, Butler, Calhoun, Chambers, Clarke, Elmore, Etowah, Hale, Henry, Jackson, Lauderdale, Lee, Lowndes, Madison, Marengo, Morgan, Perry, Pike, Russell, Sumter, Talladega, Talapoosa, Tuscaloosa, Walker and Wilcox shall each have two Representatives; the counties of Dallas and Mobile shall each have three Representatives; the county of Montgomery shall have four Representatives; and the county of Jefferson shall have seven Representatives.

#### SECTION SEVEN.

Was read at length as follows:

Sec. 7. Until the General Assembly shall divide the State into Senatorial districts, as herein provided, the Senatorial districts shall be as follows:

First district, Lauderdale and Limestone; Second district, Lawrence and Morgan; Third district, Blount, Cullman and Winston; Fourth district, Madison; Fifth district, Jackson and Marshall; Sixth district, Etowah and St. Clair; Seventh district, Calhoun; Eighth district, Talladega; Ninth district, Chambers and Randolph; Tenth district, Tallapoosa and Elmore; Eleventh district, Tuscaloosa; Twelfth district, Fayette, Lamar and Walker; Thirteenth district, Jefferson; Fourteenth district, Pickens and Sumter; Fifteenth District, Autauga, Chilton and Shelby; Sixteenth district, Lowndes; Seventeenth district, Butler, Conecuh and Covington; Eighteenth district, Bibb and Perry; Nineteenth district, Choctaw, Clarke and Washington; Twentieth district, Marengo; Twenty-first district, Baldwin, Escambia and Monroe; Twenty-second district, Wilcox; Twenty-third district, Henry; Twenty-fourth district, Barbour; Twenty-fifth district, Coffee, Crenshaw and Pike; Twenty-sixth district, Bullock and Macon; Twenty-seventh district, Lee and Russell; Twenty-eighth district, Montgomery; Twenty-ninth district, Cherokee and DeKalb; Thirtieth district, Dallas; Thirty-first district, Colbert, Franklin and Marion; Thirty-second district, Greene and Hale; Thirty-third district, Mobile; Thirty-fourth district, Cleburne, Clay and Coosa; Thirty-fifth district, Dale and Geneva.

Mr. Jenkins offered the following amendment to Section 7, which was adopted:

Amend Section 7, in line twelve, by striking out the word "Henry" and inserting in lieu thereof the words "Dale and Geneva"; also amend line eighteen by striking out the words "Dale and Geneva" in inserting in place thereof the word "Henry."

On motion of Mr. Pitts, Section 7, as amended, was adopted.

On motion of Mr. Pitts the Article on Representation was ordered engrossed for a third reading and adoption.

#### RECONSIDERATION.

Mr. Sanford moved to reconsider the vote by which the Article on Representation was ordered to a third reading.

Mr. Williams of Marengo moved to suspend the rules in order that he might move to reconsider the vote by which the Article on Representation was ordered to a third reading.

The motion prevailed.

Mr. Williams of Marengo moved to lay the motion on the table to reconsider, and the motion prevailed.

#### REGULAR ORDER.

The Convention proceeded to the consideration of the regular order, which was the consideration of the report of the Committee on Exemptions.

On motion of Mr. Howze the report was considered section by section.

#### SECTION ONE.

Was read at length as follows, and adopted:

Section 1. The personal property of any resident of this State to the value of \$1,000, to be selected by such resident, shall be exempted from sale on execution, or other process of any court, issued for the collection of

any debt contracted since the thirteenth day of July, 1868, or after the ratification of this Constitution.

## SECTION TWO.

Was read at length as follows:

Sec. 2. Every homestead, not exceeding 80 acres, and the dwelling and appurtenances thereon, to be selected by the owner thereof, and not in any city, town or village, or in lieu thereof, at the option of the owner, any lot in a city, town or village, with the dwelling and appurtenances thereon owned and occupied by any resident of this State, and not exceeding the value of \$2,000, shall be exempt from sale on execution or any other process from a court, for any debt contracted since the thirteenth day of July, 1868, or after the ratification of this Constitution. Such exemption, however, shall not extend to any mortgage lawfully obtained, but such mortgage, or other alienation of said homestead by the owner thereof, if a married man, shall not be valid without the voluntary signature and assent of the wife to the same.

Mr. Watts offered the following amendment to Section 2:

Add to Section 2 of the report of the Committee on Exemptions the following:

Provided, That the Legislature shall provide for the disposition of the homestead in the event of the insanity of the wife or husband.

On motion of Mr. Howze the amendment of Mr. Watts was laid upon the table.

Mr. Murphree offered the following amendment to Section 2:

Strike out 80 acres and insert "shall be 160 acres, and no more."

On motion of Mr. Howze the amendment of Mr. Murphree was laid upon the table.

Section 2 was, on motion of Mr. Howze, adopted.

## SECTION THREE.

Was read at length as follows, and adopted :

Sec. 3. The homestead of a family, after the death of the owner thereof, shall be exempt from the payment of any debt contracted since the thirteenth day of July, 1868, or after the ratification of this Constitution, in all cases, during the minority of the children.

## SECTION FOUR.

Was read at length as follows and adopted :

Sec. 4. The provisions of Sections 1 and 2 of this article shall not be so construed as to prevent a laborers' lien for work done and performed for the person claiming such exemption, or a mechanic's lien for work done on the premises.

## SECTION FIVE.

Was read at length as follows, and adopted :

Sec. 5. If the owner of a homestead die, leaving a widow, but no children, such homestead shall be exempt, and the rents and profits thereof shall inure to her benefit.

## SECTION SIX.

Was read at length as follows, and adopted :

Sec. 6. The real or personal property of any female in this State, acquired before marriage, and all property, real or personal, to which she may afterwards be entitled by gift, grant, inheritance or devise, shall be and remain the separate estate and property of such female, and shall not be liable for any debts, obligations and engagements of her husband, and may be devised or bequeathed by her, the same as if she was a feme sole.

## SECTION SEVEN.

Was read at length as follows:

Sec. 7. The right of exemption hereinbefore secured, may be waived by an instrument in writing, and when such waiver relates to realty, the instrument must be signed by both the husband and the wife, and attested by one witness.

Mr. Mulkey moved to strike out Section 7.

On motion of Mr. Howze the motion of Mr. Mulkey was laid upon the table.

Mr. Sanford offered the following substitute for Section 7:

The right of exemption hereinbefore secured shall not be waived or the real estate exempted, be mortgaged; but the property so exempted may be sold by the husband and wife by an instrument in writing.

On motion of Mr. Long of Walker the substitute of Mr. Sanford was laid upon the table.

On motion of Mr. Howze Section 7 was adopted.

On motion of Mr. Howze the Article on Exemptions was ordered engrossed for a third reading and adoption.

## ADJOURNMENT.

On motion of Mr. Coleman of Greene the Convention adjourned, under the resolution heretofore adopted, until Monday morning at 12 o'clock m.

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SIXTY-NINTH DAY.

## CONVENTION HALL,

Montgomery, Ala., Monday, August 12, 1901.

The Convention met pursuant to adjournment.

## ROLL CALL.

On a call of the roll of the Convention, the following delegates answered to their names, which constituted a quorum:

Messrs. President,  
Almon,  
Altman,  
Ashcraft,  
Banks,  
Barefield,  
Beavers,  
Beddow,  
Bethune,  
Blackwell,  
Boone,  
Brooks,  
Browne,  
Burns,  
Byars,  
Cardon,  
Carmichael (Coffee),  
Chapman,  
Cobb,  
Cofer,  
Coleman (Greene),  
Cunningham,  
Davis (DeKalb),  
Davis (Etowah),  
Dent,  
deGraffenried,  
Duke,  
Eley,  
Eyster,  
Espy,  
Ferguson,  
Fitts,  
Fletcher,  
Foshee,  
Foster,  
Freeman,  
Gilmore,  
Glover.  
Graham (Montgomery),

Graham (Talladega),  
Grayson,  
Greer (Perry),  
Haley,  
Handley,  
Harrison,  
Heflin (Chambers),  
Heflin (Randolph),  
Henderson,  
Hood,  
Inge,  
Jackson,  
Jenkins,  
Jones (Bibb),  
Jones (Hale),  
Jones (Montgomery),  
Jones (Wilcox),  
Knight,  
Lomax,  
Long (Butler),  
Long (Walker),  
Lowe (Jefferson),  
Lowe (Lawrence),  
Macdonald,  
Martin,  
Merrill,  
Miller (Marengo),  
Miller (Wilcox),  
Moody,  
Mulkey,  
Murphree,  
Norman,  
Norwood,  
Oates,  
O'Neal (Lauderdale),  
Opp,  
O'Rear,  
Palmer,  
Parker (Elmore),



Pettus,  
Phillips,  
Pillans,  
Porter,  
Reynolds (Chilton),  
Reynolds (Henry),  
Rogers (Lowndes),  
Samford,  
Sanford,  
Searcy,  
Sloan,  
Smith, Mac. A.

Spears,  
Spragins,  
Vaughan,  
Waddell,  
Walker,  
Watts,  
Williams (Barbour),  
Williams (Marengo),  
Williams (Elmore),  
Wilson (Washington),  
Winn—102.

#### LEAVES OF ABSENCE.

Was granted to Messrs. Howze, White, Thompson, Whiteside, Hodges, Parker of Cullman, and Miller of Wilcox for to-day; Fletcher for to-day, Tuesday and Wednesday; Sentell and Rogers of Sumter indefinitely.

#### STENOGRAPHIC REPORT.

Messrs. Sanford and Searcy called the attention of the Convention to certain errors in the stenographic report of the proceedings of yesterday.

The report was ordered corrected.

#### REPORT OF THE COMMITTEE ON THE JOURNAL.

The chairman of the Committee on the Journal submitted the following report, which was concurred in:

The Committee on the Journal beg leave to report that they have examined the Journal for the sixty-eighth day of the Convention, and that the same is correct.

Respectfully submitted,

MASSEY WILSON, *Chairman.*

## RESOLUTIONS ON FIRST READING.

The following resolutions were introduced, severally read one time at length and referred to appropriate committees as follows:

Resolution 293, by Mr. Williams, of Elmore:

In order that the records of this Convention may be complete, be it

Resolved, That the Secretary of this Convention be and he is hereby instructed and directed to furnish to the printers of the daily stenographic reports a copy of the proceedings of the first, second and third days of this Convention, and to order 500 copies thereof to be printed, and that the same be distributed among the members of this Convention as are the stenographic report. Said copies to be of like size and form as the said report.

The resolution was referred to the Committee on Rules.

Resolution 294, by Mr. Burns:

Resolved, That when this Convention adjourns on Friday next, the 16th, it will stand adjourned until 12 o'clock m. on Tuesday, the 27th of August.

Resolved further, That delegates be paid during such recess 5 cents per mile going to and returning from their homes, and no per diem.

The above resolution, 294, being a privileged resolution, was placed upon its immediate adoption.

The resolution was lost.

Resolution 295, by Mr. Burns:

Whereas, Not less than 48,000 adult males who should not be allowed to vote, and not more than 300 who should be allowed to vote, be barred by the insertion of one word, in the article on Suffrage and Elections; and

Whereas, Provisions could be made whereby the disabilities of all those competent and worthy to vote and hold office could be removed;

Resolved, That the Committee on Amendments to the Constitution be authorized and instructed to report an ordinance which shall include "bastards" among those

who shall not be qualified electors in this State, unless they shall have been relieved by the Governor, or Board or some court of competent jurisdiction.

The resolution was referred to the Committee on Rules.

#### ORDINANCES ON FIRST READING.

The following ordinances were introduced, severally read one time at length, and referred to appropriate committees, as follows:

Ordinance 448, by Mr. Jenkins:

An ordinance to provide for the election of the successors of the hold-over Senators whose term of office expires in 1904.

Be it ordained by the people of Alabama in Convention assembled that the State Senators whose terms of office expires in 1904, shall continue to hold office until the general election for State officers in 1906, or until their successors are elected; provided, if a special session of the Legislature is called by the Governor between August, 1904, and the general election for State officers in 1906, it shall be the duty of the Governor when he issues his call for said special session of the Legislature to order a special election in all the odd numbered Senatorial districts except the Thirty-fifth, and persons elected at said special election shall qualify as members of the said special session of the Legislature. The term of office of the persons so elected as successors to the said hold-over Senators, now in office, and whose terms expire in 1904, shall be from the date of the said special election, and the general election for State officers in 1906.

Provided further, That the Senator for the Thirty-fifth Senatorial district shall be elected in 1902 at the general election for State officers and shall hold office for four years, and all laws governing the election of Senators in the even numbered districts shall apply to the Thirty-fifth Senatorial district.

The ordinance was referred to the Committee on Legislative Department.

Ordinance 449, by Mr. Browne (with 31 petitions) :

Be it ordained by the people of Alabama in Convention assembled, That so much of an ordinance to provide for the establishment of a court house and jail at some point to be determined by an election by the people in that portion of St. Clair which lies south and southeast of Back Bone Mountain, and which is embraced in precincts numbered 9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 20 and 21, in said county, as amended, be amended by striking out of the same all that applies to the county of Shelby.

The ordinance was referred to the Committee on Amending the Constitution and Miscellaneous Provisions.

#### RECONSIDERATION.

Mr. deGraffenried moved to reconsider the vote by which ordinance 390 :

An ordinance to provide for the establishment of a court house and jail at some point, to be determined by an election by the people, in that portion of St. Clair which lies south and southeast of Back Bone Mountain, and which is embraced in precincts numbered 9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 20 and 21 in said county.

Was ordered engrossed and referred to the Committee on Order, Consistency and Harmony of the Whole Constitution, and moved that the motion to reconsider be laid upon the table until to-morrow morning immediately after the approval of the Journal.

Mr. Pillans moved to amend the latter part of the motion of Mr. deGraffenried by making it a special order after all of the reports of the committees have been finished.

On motion of Mr. Browne, the latter part of the motion of Mr. deGraffenried, together with amendment of Mr. Pillans, were laid upon the table.

The question recurred upon the motion of Mr. deGraffenried to reconsider the vote by which the ordinance 390 was ordered engrossed and referred to the

Committee on Order, Consistency and Harmony of the Whole Constitution.

The motion to reconsider was lost.

RECESS.

The hour of 1 o'clock having arrived, under the rules the Convention recessed until 3:30 o'clock this afternoon.

AFTERNOON SESSION.

The Convention met pursuant to adjournment.

ROLL CALL.

On a call of the roll of the Convention the following delegates answered to their names, which constituted a quorum:

Messrs. President,	Davis (DeKalb),
Almon,	Davis (Etowah),
Altman,	Dent,
Ashcraft,	deGraffenried,
Banks,	Duke,
Barefield,	Eyster,
Beavers,	Espy,
Beddow,	Ferguson,
Bethune,	Fitts,
Blackwell,	Foshee,
Brooks,	Freeman,
Browne,	Gilmore,
Burns,	Glover,
Byars,	Graham (Talladega),
Cardon,	Grayson,
Chapman,	Greer (Perry),
Cobb,	Haley,
Cofer,	Handley,
Coleman (Greene),	Harrison,
Cunningham,	Heflin (Chambers),

Heflin (Randolph),	Opp,
Henderson,	O'Rear,
Hood,	Palmer,
Inge,	Pettus,
Jackson,	Pillans,
Jenkins,	Pitts,
Jones (Bibb),	Reynolds (Henry),
Jones (Hale),	Samford,
Jones (Montgomery),	Sanders,
Jones (Wilcox),	Sanford,
Knight,	Searcy,
Lomax,	Sloan,
Long (Butler),	Smith, Mac. A.
Long (Walker),	Spears,
Lowe (Jefferson),	Spragins,
Lowe (Lawrence),	Vaughan,
Malone,	Waddell,
Martin,	Walker,
Merrill,	Watts,
Miller (Marengo),	Williams (Barbour),
Moody,	Williams (Marengo)
Murphree,	Williams (Elmore),
Norman,	Wilson (Clarke),
Norwood,	Wilson (Washington)
Oates,	Winn—91.
O'Neal (Lauderdale),	

REPORT OF COMMITTEE ON ENGROSSMENT.

The chairman of the Committee on Engrossment submitted the following report:

*Mr. President:*

The Committee on Engrossment have examined and compared the following articles, to-wit: Judiciary, and Taxation, and find the same correctly engrossed.

Respectfully submitted,

WM. H. SAMFORD, *Chairman.*

## ARTICLES ON THIRD READING.

Mr. Samford moved that the above articles be ordered read a third time at length and adopted.

The motion prevailed and the Article on Taxation was taken up, read a third time at length, as follows, and adopted: Yeas, 85; nays, 2.

## ARTICLE XI.

## TAXATION.

Section 1. All taxes levied on property in this State shall be assessed in exact proportion to the value of such property, but no tax shall be assessed upon any debt for rent or hire of real or personal property, while owned by the landlord or hirer during the current year of such rental or hire, and when such real or personal property is assessed at its full value; provided however, the General Assembly may levy a poll tax, not to exceed \$1.50 on each poll, which shall be applied exclusively in aid of the public school fund in the county so paying the same.

Sec. 2. No power to levy taxes shall be delegated to individuals or private corporations.

Sec. 3. After the ratification of this Constitution, no new debt shall be created against, or incurred by this State, or its authority, except to repel invasion or suppress insurrection, and then only by a concurrence of two-thirds of the members of each House of the General Assembly, and the vote shall be taken by yeas and nays and entered on the Journals; and any act creating or incurring any new debt against this State, except as herein provided for, shall be absolutely void; provided, the Governor may be authorized to negotiate temporary loans, never to exceed \$300,000, to meet the deficiencies in the Treasury; and until the same is paid no new loan shall be negotiated; provided further, that this section shall not be so construed as to prevent the issuance of bonds for the purpose of refunding the State's existing indebtedness.

Sec. 4. The General Assembly shall not have the power to levy in any one year a greater rate of taxation than sixty-five one-hundredths of 1 per centum on the value of the taxable property within this State.

Sec. 5. No county in this State shall be authorized to levy a larger rate of taxation in any one year on the value of the taxable property therein than one-half of one per centum; provided, that to pay debts existing at the ratification of the Constitution of 1875 an additional rate of one-fourth of one per centum may be levied and collected, which shall be exclusively appropriated to the payment of such debts or the interest thereon; provided, further, that to pay any debt or liability now existing against any county, incurred for the erection, construction and maintenance of the necessary public buildings or bridges, or that may hereafter be created for the erection of necessary public buildings, bridges or roads, any county may levy and collect such special taxes, not to exceed a rate of one-fourth of one per centum, as may have been or may hereafter be authorized by law, which taxes so levied and collected shall be applied exclusively to the purpose for which the same was so levied and collected.

Sec. 6. The property of private corporations, associations and individuals of this State shall forever be taxed at the same rate; provided, this section shall not apply to institutions devoted exclusively to religious, educational or charitable purposes.

Sec. 7. The General Assembly shall not have the power to require the counties or other municipal corporations to pay any charges which are now payable out of the State Treasury.

Sec. 8. No county shall become indebted in an amount greater than three and one-half per centum of the taxable value of the property thereof; provided, this limitation shall not apply to any existing indebtedness, in excess of such three and one-half per centum, which has already been created or authorized by now existing law to be created.

Sec. 9. No city, town or other municipal corporation shall become indebted in an amount, including



present indebtedness, exceeding 5 per centum of the assessed value of the property thereof, except for the construction or purchase of water works, gas, or electric light plants, and sewerage, or for the improvement of streets for which purpose an additional indebtedness, not exceeding 3 per cent. may be created; provided, this limitation shall not apply to any debt now authorized by law to be created; and excepting also temporary loans to be paid within one year, made in anticipation of the collection of taxes, not to exceed one-fourth of the general revenues of such cities and towns; provided, however, that this limitation shall not apply to towns and cities having a population of six thousand or more, or to the city of Gadsden and Ensley, the towns of Andalusia, Decatur and New Decatur, which last described cities and towns shall not become indebted in an amount, including present indebtedness exceeding 7 per centum of the assessed valuation of the property thereof, and provided further, that there shall not be included in the limitations of the indebtedness of such last described cities and towns the following classes of indebtedness, to-wit: Temporary loans, to be paid within one year, made in anticipation of the collection of taxes, and not to exceed one-fourth of such taxes; bonds or other obligations already issued or which may hereafter be issued for the purpose of acquiring, providing or constructing school houses, water works and sewers, and obligations incurred and bonds issued for street or sidewalk improvement, where the cost of the same, in whole or in part, is to be assessed against the property abutting said improvement; provided, that the proceeds of all obligations issued as herein provided in excess of said 7 per centum shall not be used for any purpose other than that for which said obligations were issued. . Nothing herein contained shall prevent the funding or refunding of existing indebtedness; provided, this section shall not apply to the cities of Sheffield and Tuscumbia.

Sec. 10. The Legislature may levy a tax of not more than two and one-half per centum on every \$100 of the value of all estate, real, personal and mixed, money,

public and private securities of every kind, passing from any person who may die, siezed and possessed thereof, being in this State, or any part of such estate, money or securities, or interest therein, transferred by the intestate laws of this State, or by will, deed, grant, bargain, sale or gift, made or intended to take effect in possession after the death of the grantor, deviser, or donor, to any person or persons, bodies politic or corporate, in trust or otherwise, other than to or for the use of the father, mother, husband, wife, brothers, sisters, children or lineal descendants of the grantor, deviser, donor or intestate.

## YEAS.

Messrs. President,  
 Almon,  
 Altman,  
 Ashcraft,  
 Banks,  
 Barefield,  
 Beddow,  
 Bethune,  
 Blackwell,  
 Brooks,  
 Browne,  
 Burns,  
 Byars,  
 Cardon,  
 Chapman,  
 Cobb,  
 Coleman (Greene),  
 Cunningham,  
 Davis (DeKalb),  
 Davis, (Etowah),  
 Dent,  
 deGraffenried,  
 Duke,  
 Eley,  
 Eyster,  
 Gilmore,

Glover,  
 Graham (Talladega),  
 Grayson,  
 Greer (Perry),  
 Handley,  
 Harrison,  
 Heflin (Randolph),  
 Henderson,  
 Hood,  
 Inge,  
 Jackson,  
 Jenkins,  
 Jones (Bibb),  
 Jones (Montgomery),  
 Jones (Wilcox),  
 Knight,  
 Lomax,  
 Long (Walker),  
 Lowe (Jefferson),  
 Lowe (Lawrence),  
 Macdonald,  
 Martin,  
 Maxwell,  
 Merrill,  
 Miller (Marengo),  
 Moody,

Mulkey,  
 Murphree,  
 Norman,  
 Norwood,  
 Oates,  
 O'Neal (Lauderdale),  
 Opp,  
 O'Rear,  
 Palmer,  
 Parker (Elmore),  
 Pettus,  
 Phillips,  
 Pillans,  
 Porter,  
 Reynolds (Henry),  
 Rogers (Lowndes),  
 Samford,

Sanford,  
 Searcy,  
 Sloan,  
 Smith, Mac. A.,  
 Spears,  
 Spragins,  
 Vaughan,  
 Waddell,  
 Walker,  
 Watts,  
 Williams (Barbour),  
 Williams (Marengo),  
 Williams (Elmore),  
 Wilson (Clarke),  
 Wilson (Washington),  
 Winn—85.

#### NAYS.

Foshee.

Freeman—2.

The Article on Judiciary was taken up, read a third time at length as follows, and adopted: Yeas, 87; nays, 1.

#### JUDICIAL DEPARTMENT.

Section 1. The judicial powers of the State shall be vested in the Senate sitting as a court of impeachment, a Supreme Court, Circuit Courts, Chancery Courts, Courts of Probate, such courts of law and equity inferior to the Supreme Court, and to consist of not more than five members, as the Legislature from time to time may establish, and such persons as may be by law invested with powers of a judicial nature; but no court of general jurisdiction, at law or in equity, or both, shall hereafter be established in and for any one county having a population of less than 20,000, or property assessed for taxation at a less valuation than \$3,500,000.

Sec. 2. Except in cases otherwise directed in this Constitution, the Supreme Court shall have appellate jurisdiction only, which shall be coextensive with the State, under such restrictions and regulations, not repugnant to this Constitution, as may from time to time be prescribed by law, except where jurisdiction over appeals is vested in some inferior court, and made final therein; provided, that the Supreme Court shall have power to issue writs of injunction, habeas corpus, quo warranto, and such other remedial and original writs as may be necessary to give it a general superintendence and control of inferior jurisdictions.

Sec. 3. The Supreme Court shall be held at the seat of government, but if that shall become dangerous from any cause, it may adjourn to another place.

Sec. 4. Except as otherwise authorized in this article, the State shall be divided into convenient circuits. For each circuit there shall be chosen a judge, who shall, for one year next preceding his election and during his continuance in office, reside in the circuit for which he is elected.

Sec. 5. The Circuit Court shall have original jurisdiction in all matters civil and criminal within the State not otherwise excepted in this Constitution; but in civil cases, other than suits for libel, slander, assault and battery, and ejectment, it shall have jurisdiction only where the matter or sum in controversy exceeds fifty dollars.

Sec. 6. A Circuit Court, or a court having the jurisdiction of the Circuit Court, shall be held in each county in the State at least twice in every year, and judges of the several courts mentioned in this section may hold court for each other when they deem it expedient, and shall do so when directed by law. The judges of the several courts mentioned in this section shall have power to issue writs of injunction, returnable in the Courts of Chancery, or courts having the jurisdiction of Courts of Chancery.

Sec. 7. The Legislature shall have power to establish a Court or Courts of Chancery, with original and appellate jurisdiction, except as otherwise author-

ized in this article. The State shall be divided by the Legislature into convenient Chancery districts; each division shall be divided into districts, and for each division there shall be a chancellor, who shall have resided for one year next preceding his election or appointment, and at the time of his election or appointment, and during his continuance in office in the division for which he shall be elected or appointed.

Sec. 8. A Chancery Court, or a court having the jurisdiction of the Chancery Court, shall be held in each district, at a place to be fixed by law, at least twice in each year, and the chancellors may hold court for each other when they deem it necessary.

Sec. 9. Any county having a population exceeding 20,000, according to the next preceding Federal census, and also taxable property exceeding \$3,500,000 in value, according to the next preceding assessment of property for State and county taxation, need not be included in any circuit or chancery division; but if the value of its taxable property shall be reduced below that limit, or if its population shall be reduced below that number, the Legislature shall include such county in a circuit and chancery division or either, embracing more than one county.

No circuit or chancery division shall contain less than three counties, unless there be embraced therein a county having a population exceeding 20,000, and taxable property exceeding \$3,500,000. The Legislature may confer upon the Circuit Court or the Chancery Court the jurisdiction of both of said courts. In counties having two or more courts of record, the Legislature may provide for the consolidation of all or any of such courts of record, except the Probate Court, with or without separate divisions, and an appropriate number of Judges for the transaction of the business of such consolidated court.

Sec. 10. The Legislature shall have power to establish in each county within the State a court of Probate, with general jurisdiction to grant letters testamentary and of administration, and of orphans' business; provided, that whenever any court having equity

powers has taken jurisdiction of the settlement of any estate, it shall have power to do all things necessary for the settlement of such estate, including the appointment and removal of administrators, executors, guardians and trustees, and including action upon the resignation of either of them.

Sec. 11. The Justices of the Supreme Court, Chancellors, and the Judges of the Circuit Courts, and other courts of record, except Probate Courts, shall, at stated times, receive for their services a compensation which shall not be diminished during their official term; they shall receive no fees or perquisites, nor hold any office (except judicial offices) of profit or trust under this State or the United States, or any other power, during the term for which they have been elected.

Sec. 12. The Supreme Court shall consist of one Chief Justice and such number of Associate Justices as may be prescribed by law.

Sec. 13. The Chief Justice and Associate Justices of the Supreme Court, Judges of the Circuit Courts, Probate Courts, and Chancellors, shall be elected by the qualified electors of the State, circuits, counties and chancery divisions, for which such courts may be established, at such times as may be prescribed by law, except as herein otherwise provided.

Sec. 14. The Judges of such inferior courts of law and equity as may be by law established, shall be elected or appointed in such mode as the Legislature may prescribe.

Sec. 15. Chancellors and Judges of all courts of record, shall have been citizens of the United States and of this State for five years next preceding their election or appointment, and shall be not less than 25 years of age; and, except Judges of Probate Courts, shall be learned in the law.

Sec. 16. Except as otherwise provided in this article, the Chief Justice and Associate Justices of the Supreme Court, Circuit Judges, Chancellors, and Judges of Probate, shall hold office for the term of six years, and until their successors are elected or appointed, and qualified; and the right

of such Judges and Chancellors to hold their offices for the full term hereby prescribed shall not be affected by any change hereafter made by law in any circuit, division or county, in the mode or time of election.

Sec. 17. The Chief Justice and Associate Justices of the Supreme Court shall be chosen at an election held at the time and place fixed by law for the election of members of the House of Representatives of the Congress of the United States, until the Legislature shall, by law, change the time of holding such election. The term of office of the Chief Justice, who shall be elected in the year 1904, shall be as provided in the last preceding section. The successors of two of the Associate Justices elected in 1904 shall be elected in the year 1906, and the successors of the other two Associate Justices elected in 1904 shall be elected in the year 1908. The Associate Justices of said court elected in the year 1904 shall draw or cast lots among themselves to determine which of them shall hold office for the terms ending, respectively, in the years 1906 and 1908, and until their respective successors are elected or appointed and qualified. The result of such determination shall be certified to the Governor, by such Associate Justices, or a majority of them, prior to the first day of January, 1905, and such certificate shall be entered upon the minutes of the court. In the event of the failure of said Associate Justices to make and certify such determination, the Governor shall designate the terms for which they shall respectively hold office, as above provided, and shall issue his proclamation accordingly. In the event of an increase or reduction by law of the number of Associate Justices of the Supreme Court, the Legislature shall, as nearly as may be, provide for the election, each second year, of one-third of the members of said court.

Sec. 18. All judicial officers within their respective jurisdictions shall, by virtue of their offices, be conservators of the peace.

Sec. 19. Vacancies in the office of any of the judges who hold office by election, or chancellors of this State, shall be filled by appointment by the Governor; such

appointee shall hold his office until the next general election held at least six months after the vacancy occurs, and until his successor is elected and qualified; the successor chosen at such election shall hold office for the unexpired term and until his successor is elected and qualified.

Sec. 20. Whenever any new circuit or chancery division is created the Judge or Chancellor therefor shall be elected at the next election for Representatives to the Legislature for a term to expire at the next general election for Judges and Chancellors; provided, that if said new circuit or chancery division is created more than six months before the next election of Representatives to the Legislature, the Governor shall appoint some one as Judge or Chancellor, as the case may be, to hold the office until such election.

Sec. 21. If in any case, civil or criminal, pending in any Circuit Court, Chancery Court, or in any court having the jurisdiction of a Circuit or Chancery Court, or either of them, in this State, the presiding Judge or Chancellor shall, for any legal cause, be incompetent to try; hear or render judgment in such case, the parties, or their attorneys of record, if it be a civil case, or the solicitor or prosecuting officer, and the defendant or defendants, if it be a criminal case, may agree upon some disinterested person, practicing in the court and learned in the law, to act as special judge or chancellor to sit as a court, and to hear, decide and render judgment in the same manner and to the same effect as a Chancellor or as a Judge of the Circuit Court, or of a court having the jurisdiction of a Circuit and Chancery Court, or either, sitting as a court might do in such case. If the case be a civil one, and the parties or their attorneys of record do not agree; or if it be a criminal one and the prosecuting officer and the defendant or defendants do not agree upon a special Judge or Chancellor, or if either party in a civil cause is not represented in court, the Register in Chancery or the clerk of such Circuit or other court, in which said cause is pending, shall appoint a special Judge or Chancellor, who shall preside, try and render judgment as in this section provided.



The Legislature may prescribe other methods of supplying special Judges in such cases.

Sec. 22. The Legislature shall have power to provide for the holding of Chancery and Circuit Courts, and for the holding of courts having the jurisdiction of Circuit and Chancery Courts, or either of them, when the Chancellors or Judges thereof fail to attend regular terms.

Sec. 23. No Judge of any court of record in this State shall practice law in any of the courts of this State or of the United States.

Sec. 24. Registers in chancery shall be appointed by the Chancellors of the respective divisions, and shall have been at least twelve months before their appointment, and shall be at the time of their appointment and during their continuance in office, resident citizens of the district for which they are appointed. They shall hold office for the term for which the Chancellor making such appointment was elected or appointed. Such registers shall receive as compensation for their services only such fees and commissions as may be specifically prescribed by law, which fees shall be uniform throughout the State.

Sec. 25. The clerk of the Supreme Court shall be appointed by the Judges thereof, and shall hold office for the term of six years, and the clerks of such inferior courts as may be established by law shall be selected in such manner as the Legislature may provide.

Sec. 26. Clerks of the Circuit Court shall be elected by the qualified electors in each county for the term of six years, and may, when appointed by the Chancellor, also fill the office of Register in Chancery. Vacancies in such office of clerk shall be filled by the Governor for the unexpired term.

Sec. 27. The clerk of the Supreme Court and registers in Chancery may be removed by the Justices of the Supreme Court, and by the Chancellor respectively, for cause, to be entered at length upon the minutes of the court.

Sec. 28. A Solicitor in each county shall be elected by the qualified electors therein every four years, whose

salary shall be fixed by law, according to the requirements in each county. The office of Circuit Solicitor shall cease at the termination of the terms of the present incumbents.

Sec. 29. In each precinct not lying within, or partly within, any city or incorporated town of more than 1,500 inhabitants, there shall be elected, by the qualified electors of such precinct not exceeding two Justices of the Peace and one Constable. Where one or more precincts lie within, or partly within, a city or incorporated town having more than 1,500 inhabitants, the Legislature may provide by law for the election of not more than two Justices of the Peace and one Constable, for each of such precincts, or an inferior court for such precinct or precincts, in lieu of all Justices of the Peace therein. Justices of the Peace, and the inferior courts herein provided for, shall have jurisdiction in all civil cases where the amount in controversy does not exceed \$100, except in cases of libel, slander, assault and battery, and ejectment. The Legislature may provide by law what fees may be charged by Justices of the Peace and Constables, which fees shall be uniform throughout the State. The right of appeal from any judgment of a Justice of the Peace, or from any inferior court authorized by this section, without the prepayment of costs, and also in the term of office of such Justices, and of the Judges of such inferior courts, and of Notaries Public, shall be provided for by law. The Governor may appoint Notaries Public without the powers of a Justice of the Peace, and may, except where otherwise provided by an act of the Legislature, appoint not more than one Notary Public with all of the powers and jurisdiction of a Justice of the Peace for each precinct in which the election of Justices of the Peace shall be authorized.

Sec. 30. The Attorney General shall be elected by the qualified electors of the State at the same time and places of election of members of the Legislature, whose term of office shall be for four years and until his successor is elected and qualified. He shall reside

at the seat of government, shall be the law officer of the State, and shall perform such duties as may be required of him by law.

Sec. 31. The style of all process shall be "The State of Alabama" and all prosecutions shall be carried on in the name and by the authority of the same, and shall conclude "Against the peace and dignity of the State."

Sec. 32. After suit has been commenced on any cause of action the Legislature shall have no power to take away such cause of action, or to destroy any defense that may exist to any suit after such suit has been commenced.

Sec. 33. The Legislature shall have the power to abolish any court (except the Supreme Court and the Probate Courts) whenever its jurisdiction and functions have been conferred upon some other court.

Sec. 34. Nothing in this article shall be so construed as to effect the term of office of any officer now in office.

## YEAS.

Messrs. President,

Almon,

Altman,

Ashcraft,

Banks,

Barefield,

Bartlett,

Beavers,

Beddow,

Bethune,

Blackwell,

Brooks,

Browne,

Burns,

Cardon,

Chapman,

Cobb,

Coleman (Greene),

Cunningham,

Davis (DeKalb),

Davis, (Etowah),

Dent,

deGraffenried,

Duke,

Eley,

Evster,

Espy,

Fitts,

Foshee,

Freeman,

Gilmore,

Glover,

Graham (Montgomery),

Graham (Talladega),

Gravson,

Greer (Perry),

Handley,

Harrison,

Heflin (Randolph),

Henderson,

Hood,  
Inge,  
Jackson,  
Jenkins,  
Jones (Bibb),  
Jones (Montgomery),  
Jones (Wilcox),  
Knight,  
Lomax.  
Long (Walker),  
Lowe (Jefferson),  
Lowe (Lawrence),  
Macdonald,  
Martin,  
Maxwell,  
Merrill,  
Miller (Marengo).  
Moody,  
Mulkey,  
Norman,  
Norwood,  
Oates,  
O'Neal (Lauderdale),  
Opp,

O'Rear,  
Palmer,  
Parker (Elmore),  
Pettus,  
Phillips,  
Pillaus,  
Porter,  
Reynolds (Henry),  
Rogers (Lowmudes),  
Samford,  
Searcy,  
Smith, Mac. A.,  
Spragins,  
Vaughan,  
Waddell,  
Walker,  
Watts,  
Williams (Barbour),  
Williams (Marengo),  
Williams (Elmore),  
Wilson (Clarke),  
Wilson (Washington),  
Winn—87.

NAYS.

Mr. Byars—1.

RECONSIDERATION.

Mr. deGraffenried gave notice that on to-morrow he would move to reconsider the vote by which the Article on Judiciary was adopted.

REGULAR ORDER.

The Convention proceeded to the consideration of the regular order, which was the report of the Committee on Impeachments.

On motion of Mr. Hood the report was considered section by section.

## SECTION ONE.

Was read at length as follows:

Section 1. The Governor, Lieutenant Governor, Secretary of State, Auditor, Treasurer, Attorney General, Superintendent of Education, Commissioner of Agriculture and Industries, and Judges of the Supreme Court may be removed from office for willful neglect of duty, corruption in office, incompetency, or intemperance in the use of intoxicating liquors or narcotics to such an extent, in view of the dignity of the office and importance of its duties, as unfits the officers for the discharge of such duties, or for any offense involving moral turpitude while in office, or committed under color thereof or connected therewith by the Senate sitting as a court for that purpose, under oath or affirmation on articles or charges preferred by the House of Representatives.

The following minority report to Section 1 was read at length as follows:

Section 1. The Governor, Lieutenant Governor, Secretary of State, Auditor, Treasurer, Attorney General, Superintendent of Education, Commissioner of Agriculture and Industries, and Judges of the Supreme Court may be removed from office for willful neglect of duty, corruption in office, habitual drunkenness, incompetency, or any offense involving moral turpitude while in office, or committed under color thereof or connected therewith, by the Senate, sitting as a court for that purpose, under oath or affirmation, on articles or charges preferred by the House of Representatives.

The minority report was lost.

The question recurred upon the adoption of Section 1.

Section 1 was, on motion of Mr. Hood, adopted.

## SECTION TWO.

Was read at length as follows:

Sec. 2. The Chancellors Judges of the Circuit Court, Judges of the Probate Court, Sheriffs, Solicitors of the Circuits and Judges of the inferior courts, from which

an appeal may be taken directly to the Supreme Court, may be removed from office for any of the causes specified in the preceding section, by the Supreme Court, under such regulations as may be prescribed by law.

The following minority report to Section 2 was read at length as follows:

Sec. 2. The Chancellors, Judges of the Circuit Courts, Judges of the Probate Courts, Solicitors, and Judges of the Inferior Courts, from which an appeal may be taken directly to the Supreme Court, may be removed from office for any of the causes specified in the preceding section, by the Supreme Court, under such regulations as may be prescribed by law.

Mr. Hood moved to table the minority report.

The motion prevailed: Yeas, 47; nays, 39.

YEAS.

Messrs. President,	Jones (Montgomery),
Altman,	Jones (Wilcox),
Ashcraft,	Lomax,
Banks,	Lowe (Jefferson),
Barefield,	Maxwell,
Beddow,	Merrill,
Blackwell,	Miller (Marengo),
Brooks,	Mulkey,
Byars,	Murphree,
Cunningham,	Norman,
Davis (Etowah),	Norwood,
Dent,	Oates,
Duke,	O'Neal (Lauderdale),
Eley,	Palmer,
Espy,	Phillips,
Ferguson,	Pillans,
Fitts,	Searcy,
Foshee,	Spears,
Freeman,	Vaughan,
Graham (Talladega),	Waddell,
Greer (Perry),	Watts,
Harrison,	Wilson (Clarke),
Henderson,	Winn—47.
Hood,	

## NAYS.

Messrs. Almon,  
 Bethune,  
 Browne,  
 Burns,  
 Cardon,  
 Chapman,  
 Cobb,  
 Coleman (Greene),  
 Davis (DeKalb),  
 Eyster,  
 Glover,  
 Graham (Montgomery),  
 Grayson,  
 Handley,  
 Heflin (Randolph),  
 Inge,  
 Jackson,  
 Jenkins,  
 Jones (Bibb),  
 Knight,

Long (Walker),  
 Lowe (Lawrence),  
 Macdonald,  
 Martin,  
 Moody,  
 Opp,  
 O'Rear,  
 Parker (Elmore),  
 Pettus,  
 Reynolds (Henry),  
 Rogers (Lowndes),  
 Samford,  
 Sanford,  
 Smith, Mac. A.  
 Spragins,  
 Walker,  
 Williams (Barbour),  
 Williams (Elmore),  
 Wilson (Washington)—39.

## PAIRS ANNOUNCED.

The following pairs were announced:

Messrs. Porter and Heflin of Chambers, Sloan and Williams of Marengo. Messrs. Sloan and Porter would vote aye; and Messrs. Heflin of Chambers and Williams of Marengo would vote nay.

Mr. Barefield offered the following amendment to Section 2:

Amend Section 2 by adding at end thereof:

Provided, That Sheriffs shall be eligible to succeed themselves in the office of Sheriff.

Mr. Burns offered the following amendment to the amendment offered by Mr. Barefield:

Amend by adding after the word Sheriff the words and Probate Judge.

On motion of Mr. Barefield the amendment offered by Mr. Burns was laid upon the table.

The question recurred upon the adoption of the amendment offered by Mr. Barefield.

Mr. Mulkey moved to table the amendment offered by Mr. Barefield.

The motion was lost: Yeas, 36; nays, 49.

YEAS.

Messrs. Bethune,	Jenkins,
Blackwell,	Jones (Bibb),
Brooks,	Lowe (Jefferson),
Browne,	Martin,
Byars,	Merrill,
Chapman,	Mulkey,
Coleman (Greene),	Murphree,
Davis (DeKalb),	Norman,
Dent,	Oates,
Espy,	Palmer,
Fitts,	Phillips,
Foshee,	Reynolds (Henry),
Freeman,	Sanford,
Glover,	Smith, Mac. A.,
Harrison,	Spears,
Henderson,	Walker,
Inge,	Watts,
Jackson,	Williams (Barbour)—36.

NAYS.

Messrs. President,	Duke,
Almon,	Eley,
Altman,	Eyster,
Ashcraft,	Ferguson,
Banks,	Graham (Montgomery),
Barefield,	Graham (Talladega),
Beddow,	Grayson,
Burns,	Greer (Perry),
Cardon,	Handley,
Cobb,	Heflin (Randolph),
Cunningham,	Hood,
Davis (Etowah),	Jones (Montgomery),



<b>Jones</b> (Wilcox),	<b>Pettus,</b>
<b>Knight,</b>	<b>Pillans,</b>
<b>Lomax,</b>	<b>Rogers</b> (Lowndes),
<b>Long</b> (Walker),	<b>Samford,</b>
<b>Lowe</b> (Lawrence),	<b>Searcy,</b>
<b>Macdonald,</b>	<b>Spragins,</b>
<b>Maxwell.</b>	<b>Vaughan,</b>
<b>Miller</b> (Marengo),	<b>Waddell,</b>
<b>Norwood.</b>	<b>Williams</b> (Elmore),
<b>O'Neal</b> (Lauderdale),	<b>Wilson</b> (Clarke),
<b>Opp,</b>	<b>Wilson</b> (Washington),
<b>O'Rear,</b>	<b>Winn—49.</b>
<b>Parker</b> (Elmore),	

#### PAIRS ANNOUNCED.

The following pair was announced:

Messrs. Sloan and Williams of Marengo. Mr. Sloan would vote aye, and Mr. Williams of Marengo would vote nay.

The question recurred upon the adoption of the amendment offered by Mr. Barefield.

The amendment was adopted.

Mr. Coleman of Greene offered the following amendment to Section 2:

Amend Section 2 by striking out the words "of the circuit" in the second line of the minority report.

The amendment was adopted.

Mr. Coleman of Greene offered the following amendment to Section 2, which was adopted by unanimous consent:

Amend by adding at the end of the amendment as follows: "Provided, That Sheriffs shall not hold for more than two successive terms."

Section 2 was, on motion of Mr. Hood, as amended, adopted.

#### SECTION THREE.

Was read at length as follows:

Sec. 3. The clerks of the Circuit or courts of like jurisdiction, of Criminal Courts, Tax Collectors, Tax

Assessors, County Treasurers, County Superintendents of Education, County Solicitors, Coroners, Justices of the Peace, Notaries Public, Constables, and all other county officers, Mayors, intendents and all other officers of incorporated cities and towns in this State may be removed from office for any of the causes specified in Section 1 of this article, by the Circuit or other Courts of like jurisdiction, or Criminal Court of the county in which such officers hold their office, under such regulations as may be prescribed by law; provided, that the right of trial by jury and appeal in such cases be secured.

The minority report to Sections 3 and 4 was, by unanimous consent, withdrawn.

Mr. Hood offered the following amendment to Section 3, which was adopted:

Amend Section 3 of the report of the majority by striking out the words "County Solicitors" in the third line of the section.

On motion of Mr. Hood, Section 3, as amended, was adopted.

#### SECTION FOUR.

Was read at length as follows, and adopted:

Sec. 4. The penalties in cases arising under the three preceding sections shall not extend beyond removal from office, and disqualifications from holding office, under the authority of this State, for the term for which he was elected or appointed; but the accused shall be liable to indictment and punishment as prescribed by law.

On motion of Mr. Hood, the article on Impeachments was ordered engrossed for a third reading and adoption.

The Convention proceeded to the consideration of ordinance 404, which was favorably reported by the Committee on Impeachments.

The ordinance was read at length as follows:

Ordinance 404, by Mr. Coleman, of Walker:

Whereas, Ample provision is made by law for the impeachment of officers, and

Whereas, It is contrary to the policy of this government that any part of the powers of one department should be exercised by an officer of another department, and

Whereas, It is contrary to the spirit of our institutions that any person should be punished before trial;

Now, therefore, be it ordained by the people of Alabama in Convention assembled, that the following part of Section 28 of Article V adopted by this Convention be and the same is hereby annulled, to-wit: "And the Governor, when satisfied after hearing the Sheriff, that he should be impeached, may suspend him from office until the impeachment proceedings are decided."

Mr. Jones, of Montgomery, moved to table the ordinance 404.

The motion was lost: Yeas, 42; nays, 43.

#### YEAS.

Messrs. President,  
Altman,  
Ashcraft,  
Banks,  
Barefield,  
Beddow,  
Brooks,  
Byars,  
Cunningham,  
Davis (Etowah),  
Dent,  
Duke,  
Eley,  
Espy,  
Ferguson,  
Fitts,  
Foshee,  
Freeman,  
Jones (Montgomery),  
Jones (Wilcox),  
Knight,

Lomax,  
Maxwell,  
Miller (Marengo),  
Murphree,  
Norman,  
Oates,  
O'Neal (Lauderdale),  
Palmer,  
Parker (Elmore),  
Phillips,  
Pillans,  
Porter,  
Reynolds (Henry),  
Searcy,  
Snears.  
Vaughan,  
Waddell,  
Williams (Barbour),  
Williams (Elmore),  
Wilson (Clarke),  
Winn—42.

## NAYS.

Messrs. Almon,	Jenkins,
Bethune,	Jones (Bibb),
Blackwell,	Long (Walker),
Browne,	Lowe (Jefferson),
Burns,	Lowe (Lawrence),
Cardon,	Macdonald,
Chapman,	Martin,
Cobb,	Merrill,
Coleman (Greene),	Moody,
Davis (DeKalb),	Norwood,
Eyster,	Opp,
Glover,	O'Rear,
Graham (Montgomery),	Pettus,
Grayson,	Rogers (Lowndes),
Greer (Perry),	Samford,
Handley,	Sanford,
Harrison,	Smith, Mac. A.,
Heflin (Randolph),	Spragins,
Henderson,	Walker,
Hood,	Watts,
Inge,	Wilson (Washington)—43.
Jackson,	

The question recurred upon the adoption of the ordinance 404.

The ordinance 404 was lost: Yeas, 38; nays, 45.

## YEAS.

Messrs. Almon,	Eyster,
Bethune,	Glover,
Blackwell,	Graham (Montgomery),
Browne,	Grayson,
Burns,	Greer (Perry),
Cardon,	Handley,
Chapman,	Heflin (Randolph),
Cobb,	Hood,
Coleman (Greene),	Inge,
Davis (DeKalb),	Jackson,

Lowe (Jefferson),  
 Lowe (Lawrence),  
 Macdonald,  
 Martin,  
 Merrill,  
 Moody,  
 Norwood,  
 Opp,  
 O'Rear,

Pettus,  
 Samford,  
 Sanford,  
 Smith, Mac. A.,  
 Spragins,  
 Walker,  
 Watts,  
 Williams (Barbour),  
 Wilson (Washington)—38.

## NAYS.

Messrs. President,  
 Altman,  
 Ashcraft,  
 Barefield,  
 Beddow,  
 Brooks,  
 Byars,  
 Cunningham,  
 Davis (Etowah),  
 Dent,  
 Duke,  
 Eley,  
 Espy,  
 Ferguson,  
 Fitts,  
 Foshee,  
 Freeman,  
 Graham (Talladega),  
 Harrison,  
 Henderson,  
 Jones (Montgomery),  
 Jones (Wilcox),  
 Knight,

Lomax,  
 Long (Walker),  
 Maxwell,  
 Miller (Marengo),  
 Murphree,  
 Norman,  
 Oates,  
 O'Neal (Lauderdale),  
 Palmer,  
 Parker (Elmore),  
 Phillips,  
 Pillans,  
 Porter,  
 Reynolds (Henry),  
 Rogers (Lowndes),  
 Searcy,  
 Spears,  
 Vaughan,  
 Waddell,  
 Williams (Elmore),  
 Wilson (Clarke),  
 Winn—45.

## RECONSIDERATION.

Mr. Long, of Walker, gave notice that on to-morrow he would move to reconsider the vote by which ordinance 404 was lost.

## ADJOURNMENT.

On motion of Mr. Jones, of Montgomery, the Convention adjourned until 9 o'clock to-morrow morning.

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## SEVENTIETH DAY.

## CONVENTION HALL.

Montgomery, Ala., Tuesday, August 13, 1901.

The Convention met pursuant to adjournment.

## ROLL CALL.

On a call of the roll of the Convention, the following delegates answered to their names, which constituted a quorum :

Messrs. President,	Cunningham,
Almon,	Davis (DeKalb),
Altman,	Davis (Etowah),
Ashcraft,	Dent,
Barefield,	Duke,
Beavers,	Eley,
Beddow,	Eyster,
Bethune,	Espy,
Blackwell,	Ferguson,
Boone,	Fitts,
Brooks,	Foshee,
Browne,	Gilmore,
Burns,	Glover,
Byars,	Graham (Montgomery),
Cardon,	Graham (Talladega).
Carmichael (Coffee),	Grant,
Chapman,	Grayson,
Cobb,	Greer (Calhoun),
Cofer,	Greer (Perry),
Coleman (Greene),	Haley,

Handley,  
 Harrison,  
 Heflin (Chambers),  
 Heflin (Randolph),  
 Henderson,  
 Hood,  
 Howze,  
 Inge,  
 Jackson,  
 Jones (Bibb),  
 Jones (Montgomery),  
 Jones (Wilcox),  
 Kirk,  
 Knight,  
 Ledbetter,  
 Lomax,  
 Long (Walker),  
 Lowe (Jefferson),  
 Lowe (Lawrence),  
 Macdonald,  
 Malone,  
 Martin,  
 Maxwell,  
 Merrill,  
 Miller (Marengo),  
 Miller (Wilcox),  
 Mulkey,  
 Murphree,  
 NeSmith,  
 Norman,  
 Norwood,  
 Oates,

O'Neal (Lauderdale),  
 Opp,  
 O'Rear,  
 Palmer,  
 Parker (Cullman),  
 Parker (Elmore),  
 Pettus,  
 Phillips,  
 Pillans,  
 Porter,  
 Reese,  
 Reynolds (Henry),  
 Sanford,  
 Sanders,  
 Sanford,  
 Searcy,  
 Sloan,  
 Smith, Mac. A.,  
 Smith, Morgan M.,  
 Sollie,  
 Spears,  
 Spragins,  
 Thompson,  
 Vaughan,  
 Waddell,  
 Walker,  
 Watts,  
 Williams (Barbour),  
 Williams (Marengo),  
 Williams (Elmore),  
 Wilson (Clarke).  
 Winn—104.

#### LEAVE OF ABSENCE.

Was granted to Messrs. deGraffenried indefinitely; Reese for yesterday; Sollie for Saturday and Monday; Pitts for to-day.

#### REPORT OF THE COMMITTEE ON THE JOURNAL.

The chairman of the Committee on the Journal submitted the following report, which was concurred in:

The Committee on the Journal beg leave to report that they have examined the Journal for the sixty-ninth day of the Convention, and that the same is correct.

Respectfully submitted,

MASSEY WILSON, *Acting Chairman.*

#### PRIVILEGES OF THE FLOOR.

On motion of Mr. Wilson of Clarke the privileges of the floor was extended to Hon. R. D. Poole of Lowndes, member of the House of Representatives.

#### STENOGRAPHIC REPORT.

Mr. Barefield called the attention of the Convention to certain errors in the stenographic report of the proceedings of yesterday.

The report was ordered corrected.

#### QUESTION OF PERSONAL PRIVILEGE.

Messrs. Opp and Brooks arose to questions of personal privilege and proceeded to state their questions of personal privilege.

Resolution 296, by Mr. Handley:

Resolved, That if in the future a quorum be not present at roll call all members absent without a sufficient excuse, to be determined by the Chair, shall be fined \$5 each.

Mr. Handley moved that the rules be suspended for the purpose of putting the resolution upon its immediate passage. The motion was lost, and the resolution was referred to the Committee on Rules.

#### RECONSIDERATION.

Mr. Coleman of Greene moved to reconsider the vote by which the Article on Judiciary was adopted on yesterday.

Mr. Graham of Talladega made the point of order that under rule 27, a motion to reconsider was out of



order, in that a motion to reconsider the vote by which the Article on Judiciary was ordered engrossed for a third reading had once before been defeated.

The point of order was overruled.

The question recurred upon the motion of Mr. Coleman of Greene.

The motion to reconsider prevailed: Yeas, 54; nays, 50.

#### YEAS.

Messrs. President,  
Almon,  
Barefield,  
Beavers,  
Browne,  
Burns,  
Carmichael (Coffee),  
Cobb,  
Coleman (Greene),  
Duke,  
Eley,  
Eyster,  
Ferguson,  
Glover,  
Graham (Montgomery),  
Grant,  
Grayson,  
Greer (Calhoun),  
Greer (Perry),  
Haley,  
Handley,  
Harrison,  
Heflin (Chambers),  
Heflin (Randolph),  
Hinson,  
Howze,  
Inge.

Jackson,  
Jenkins,  
Jones (Montgomery),  
Kirk,  
Knight,  
Locklin,  
Long (Walker),  
Lowe (Jefferson),  
Macdonald,  
Martin,  
O'Neal (Lauderdale),  
O'Rear,  
Parker (Cullman),  
Pillans,  
Proctor,  
Reese,  
Rogers (Lowndes),  
Samford,  
Sanford,  
Searcy,  
Smith, Morgan M.,  
Sollie,  
Waddell,  
Williams (Marengo),  
Wilson (Clarke),  
Wilson (Washington),  
Winn—54.

## NAYS.

<b>Messrs. Altman</b>	<b>Kirk,</b>
<b>Ashcraft,</b>	<b>Lowe (Lawrence),</b>
<b>Banks,</b>	<b>Malone,</b>
<b>Bartlett,</b>	<b>Maxwell,</b>
<b>Beddow,</b>	<b>Merrill,</b>
<b>Bethune,</b>	<b>Miller (Marengo),</b>
<b>Blackwell,</b>	<b>Miller (Wilcox),</b>
<b>Boone,</b>	<b>Moody,</b>
<b>Brooks,</b>	<b>Mulkey,</b>
<b>Byars,</b>	<b>Murphree,</b>
<b>Cardon,</b>	<b>NeSmith,</b>
<b>Cofer,</b>	<b>Norman,</b>
<b>Cunningham,</b>	<b>Palmer,</b>
<b>Davis (DeKalb),</b>	<b>Parker (Elmore),</b>
<b>Davis (Etowah),</b>	<b>Pettus,</b>
<b>Dent,</b>	<b>Phillips,</b>
<b>Espy,</b>	<b>Porter,</b>
<b>Fitts,</b>	<b>Reynolds (Chilton),</b>
<b>Foshec,</b>	<b>Sanders,</b>
<b>Freeman,</b>	<b>Sloan,</b>
<b>Gilmore,</b>	<b>Smith, Mac. A.</b>
<b>Graham (Talladega),</b>	<b>Spears,</b>
<b>Henderson,</b>	<b>Spragins,</b>
<b>Hood,</b>	<b>Walker,</b>
<b>Jones (Bibb),</b>	<b>Watts—50.</b>

## PAIR ANNOUNCED.

The following pairs were announced:

Messrs. Carnathon and Chapman, Jones of Wilcox and McMillan of Baldwin, Lomax and Pitts, Norwood and Sorrell, Opp and Weakley, Reynolds of Henry and White, Sentell and Thompson, Vaughan and Hodges, Williams of Barbour and Bulger, Williams of Elmore and McMillan of Wilcox, Weatherly and Oates.

Messrs. Carnathon, Jones of Wilcox, Lomax, Norwood, Opp, Reynolds of Henry, Sentell, Vaughan, Williams of Barbour, Williams of Elmore, and Weatherly would vote aye; and Messrs. Chapman, McMillan of

Baldwin, Pitts, Sorrell, Weakley, White, Thompson, Hodges, Bulger, McMillan of Wilcox, and Oates would vote nay.

Mr. Samford moved that the Article on Judiciary be recommitted to the Committee on Judiciary.

Mr. Graham of Talladega made the point of order that the article could not be recommitted to the Committee after it had been engrossed.

The point of order was sustained.

Mr. Heflin of Chambers moved that the further consideration of the article be postponed until 12 o'clock to-morrow morning, and that it be made a special order for that time.

Mr. Samford moved to amend the motion of Mr. Heflin of Chambers by making the consideration of the article a special order for to-day at 4 o'clock p. m.

Mr. Graham of Talladega moved to table the motion of Mr. Heflin.

The motion to table was lost: Yeas, 49; nays, 51.

#### YEAS.

Messrs. Altman,  
Ashcraft,  
Banks,  
Bartlett,  
Reddow,  
Blackwell,  
Boone,  
Brooks,  
Byars,  
Cardon,  
Cofer,  
Cunningham,  
Davis (DeKalb),  
Davis (Etowah),  
Dent,  
Espy,  
Fitts,  
Foshee,  
Freeman,

Graham (Talladega).  
Henderson,  
Hood,  
Jones (Bibb),  
Ledbetter,  
Lowe (Lawrence),  
Malone,  
Maxwell,  
Merrill,  
Miller (Marengo),  
Miller (Wilcox),  
Moody,  
Murphree,  
NeSmith,  
Norman,  
Palmer,  
Parker (Elmore),  
Pettus,  
Phillips,

Pillans,  
Porter,  
Reynolds (Chilton),  
Sanders,  
Sloan,  
Smith, Mac. A.,

Spears,  
Spragins,  
Waddell,  
Walker,  
Watts,  
Winn—49.

NAYS.

Messrs. President.  
Almon,  
Barefield,  
Bethune,  
Browne,  
Furns,  
Carmichael (Coffee),  
Cobb,  
Coleman (Greene),  
Duke,  
Eley,  
Ferguson,  
Glover,  
Graham (Montgomery),  
Grant,  
Grayson,  
Greer (Calhoun),  
Greer (Perry),  
Haley,  
Handley,  
Harrison,  
Heflin (Chambers),  
Heflin (Randolph),  
Hinson,  
Howze,  
Inge.

Jackson,  
Jenkins,  
Jones (Montgomery),  
Kirk,  
Knight,  
Locklin,  
Long (Walker),  
Lowe (Jefferson),  
Macdonald,  
Martin,  
O'Neal (Lauderdale),  
O'Rear,  
Parker (Cullman),  
Proctor,  
Reese,  
Rogers (Lowndes),  
Samford,  
Sanford,  
Searcy,  
Smith, Morgan M.,  
Sollie,  
Thompson.  
Williams (Marengo),  
Wilson (Clarke),  
Wilson (Washington)—51.

PAIRS ANNOUNCED.

The following pairs were announced:

Messrs. Carnation and Chapman, McMillan of Baldwin and Jones of Wilcox, Pitts and Lomax, Sorrell and Norwood, Oates and Weatherly, Weakley and Opp,

White and Reynolds of Henry, Hodges and Vaughan, Bulger and Williams of Barbour, McMillan of Wilcox and Williams of Elmore, Mulkey and Eyster.

Messrs. Carnathon, McMillan of Baldwin, Pitts, Sorrell, Oates, Weakley, White, Hodges, Bulger, McMillan of Wilcox, and Mulkey would vote aye; and Messrs. Chapman, Jones of Wilcox, Lomax, Norwood, Weatherly, Opp, Reynolds of Henry, Vaughan, Williams of Barbour, Williams of Elmore, and Eyster would vote nay.

The amendment of Mr. Samford to the motion of Mr. Heflin of Chambers was adopted.

The question recurred upon the motion of Mr. Heflin of Chambers, as amended by the amendment of Mr. Samford.

The motion, as amended, was adopted: Yeas, 56; nays, 52.

#### YEAS.

Messrs. President,	Haley,
Almon,	Handley,
Barefield,	Harrison,
Beavers,	Heflin (Chambers),
Bethune,	Heflin (Randolph),
Browne,	Hinson,
Burns,	Howze,
Carmichael (Colbert),	Inge,
Carmichael (Coffee),	Jackson,
Cobb,	Jenkins,
Coleman (Greene),	Jones (Montgomery),
Duke,	Kirk,
Eley,	Knight,
Eyster,	Locklin,
Ferguson,	Long (Walker),
Glover,	Lowe (Jefferson),
Graham (Montgomery),	Macdonald,
Grant,	Martin,
Grayson,	O'Neal (Lauderdale),
Greer (Calhoun),	O'Rear,
Greer (Perry),	Parker (Cullman),

Proctor,  
Reese,  
Rogers (Lowndes),  
Samford,  
Sanford,  
Searcy,  
Beddow,  
Selheimer,

Smith, Morgan M.,  
Sollie,  
Thompson,  
Waddell,  
Williams (Marengo).  
Wilson (Clarke),  
Wilson (Washington)—56.

NAYS.

Messrs. Altman,  
Ashcraft,  
Banks,  
Bartlett,  
Beddow,  
Blackwell,  
Boone,  
Brooks,  
Byars,  
Cardon,  
Cofer,  
Cunningham,  
Davis (DeKalb),  
Davis (Etowah),  
Dent,  
Espy,  
Fitts,  
Foshee,  
Freeman,  
Gilmore,  
Graham (Talladega),  
Henderson,  
Hood,  
Jones (Bibb),  
Ledbetter,  
Lowe (Lawrence),

Malone,  
Maxwell,  
Merrill,  
Miller (Marengo),  
Miller (Wilcox),  
Moody,  
Mulkey,  
Murphree,  
NeSmith,  
Norman,  
Palmer,  
Parker (Elmore),  
Pettus,  
Phillips,  
Pillans,  
Porter,  
Reynolds (Chilton),  
Sanders,  
Sloan,  
Smith (Mobile),  
Smith, Mac. A.,  
Spears,  
Spragins,  
Walker,  
Watts,  
Winn—52.

PAIRS ANNOUNCED.

The following pairs were announced:

Messrs. Carnathan and Chapman, Jones of Wilcox  
and McMillan of Baldwin, Lomax and Pitts, Weatherly

and Oates, Opp and Weakley, Vaughan and Hodges, Williams of Barbour and Bulger. Messrs. Carnathon, Jones of Wilcox, Lomax, Weatherly, Opp, Vaughan, Williams of Barbour, would vote aye; and Messrs. Chapman, McMillan of Baldwin, Pitts, Oates, Weakley, Hodges and Bulger would vote nay.

#### RECONSIDERATION.

Mr. Long of Walker moved to reconsider the vote by which ordinance 404 was lost on yesterday.

Mr. O'Neal of Lauderdale moved to table the motion of Mr. Long of Walker.

The motion was lost.

Mr. Jones of Montgomery moved to reconsider the vote by which the amendments to Section 2 of the Article on Impeachments was adopted. (In regard to Sheriffs having two terms.)

Mr. Knox moved that the motion to reconsider be postponed until after the consideration of the present motion. (Of Mr. Long of Walker.)

The motion was adopted.

#### RECESS.

Pending the further consideration of the motion to reconsider the vote by which ordinance 404 was lost on yesterday, the hour of 1 o'clock having arrived, under the rules, the Convention recessed until 3:30 this afternoon.

#### AFTERNOON SESSION.

The Convention met pursuant to adjournment.

#### ROLL CALL.

On a call of the roll of the Convention, the following delegates answered to their names, which constituted a quorum:

**Messrs. President,**  
 Almon,  
 Altman,  
 Ashcraft,  
 Banks,  
 Barefield,  
 Bartlett,  
 Beddow,  
 Bethune,  
 Blackwell,  
 Boone,  
 Brooks,  
 Browne,  
 Burns,  
 Byars,  
 Cardon,  
 Carmichael (Colbert),  
 Carmichael (Coffee),  
 Chapman,  
 Cobb,  
 Coleman (Greene),  
 Cunningham,  
 Davis (DeKalb),  
 Davis (Etowah),  
 Dent,  
 deGraffenried,  
 Duke,  
 Eley,  
 Eyster,  
 Espy,  
 Ferguson,  
 Foshee,  
 Freeman,  
 Gilmore,  
 Glover,  
 Graham (Talladega),  
 Grant,  
 Grayson,  
 Greer (Calhoun),  
 Greer (Perry),  
 Haley,

Handley,  
 Harrison,  
 Heflin (Chambers),  
 Heflin (Randolph),  
 Henderson,  
 Hinson,  
 Hood,  
 Howze,  
 Inge,  
 Jackson,  
 Jenkins,  
 Jones (Bibb),  
 Jones (Montgomery),  
 Jones (Wilcox),  
 Kirk,  
 Knight,  
 Ledbetter,  
 Locklin,  
 Lomax,  
 Long (Walker),  
 Lowe (Jefferson),  
 Lowe (Lawrence),  
 Macdonald,  
 Malone,  
 Martin,  
 Maxwell,  
 Merrill,  
 Miller (Marengo),  
 Miller (Wilcox),  
 Moody,  
 Mulkey,  
 Murphree,  
 NeSmith,  
 Norman,  
 Norwood,  
 Oates,  
 O'Neal (Lauderdale),  
 Opp,  
 O'Rear,  
 Palmer,  
 Parker (Cullman),



Parker (Elmore),  
 Pettus,  
 Phillips,  
 Pillans,  
 Porter,  
 Proctor,  
 Reese,  
 Reynolds (Chilton),  
 Reynolds (Henry),  
 Rogers (Lowndes),  
 Samford,  
 Sanders,  
 Sanford,  
 Searcy,  
 Selheimer,  
 Sloan,  
 Smith (Mobile),

Smith, Mac. A.  
 Smith, Morgan M.,  
 Sollie,  
 Spears,  
 Spragins,  
 Thompson,  
 Vaughan,  
 Waddell,  
 Walker,  
 Watts,  
 Weakley,  
 Williams (Barbour),  
 Williams (Marengo),  
 Williams (Elmore),  
 Wilson (Clarke),  
 Wilson (Washington),  
 Winn—116.

The question recurred upon the motion of Mr. Long of Walker to reconsider the vote by which ordinance 404 was lost on yesterday.

Under the motion adopted this morning, making the motion to reconsider the Article on Judiciary a special order at 4 o'clock this afternoon, the motion of Mr. Long of Walker was temporarily postponed, and the Convention proceeded to the consideration of the Article on Judiciary.

Mr. Heflin of Chambers moved to lay the Article on Judiciary on the table.

The motion prevailed, and the Article was laid upon the table.

Yeas, 55; nays, 54.

#### YEAS.

Messrs. President,  
 Almon,  
 Barefield,  
 Beavers,  
 Browne,  
 Burns,

Carmichael (Colbert),  
 Carmichael (Coffee),  
 Coleman (Greene),  
 Coleman (Walker),  
 Duke,  
 Eley,

Eyster,  
 Ferguson,  
 Glover,  
 Graham (Montgomery),  
 Grant,  
 Grayson,  
 Greer (Calhoun),  
 Greer (Perry),  
 Haley,  
 Handley,  
 Harrison,  
 Heflin (Chambers),  
 Heflin (Randolph),  
 Hinson,  
 Howze,  
 Inge,  
 Jackson,  
 Jenkins,  
 Jones (Montgomery),  
 Kirk,  
 Knight,  
 Locklin,

Long (Walker),  
 Lowe (Jefferson),  
 Macdonald,  
 Martin,  
 O'Neal (Lauderdale),  
 Opp,  
 O'Rear,  
 Parker (Cullman),  
 Proctor,  
 Reese,  
 Rogers (Lowndes),  
 Samford,  
 Sanford,  
 Searcy,  
 Selheimer,  
 Smith, Morgan M.,  
 Sollie,  
 Waddell,  
 Williams (Marengo),  
 Wilson (Clarke),  
 Wilson (Washington)—55.

## NAYS.

Messrs. Altman,  
 Ashcraft,  
 Banks,  
 Bartlett,  
 Beddow,  
 Bethune,  
 Blackwell,  
 Boone,  
 Brooks,  
 Byars,  
 Cardon,  
 Cofer,  
 Cunningham,  
 Davis (DeKalb),  
 Davis (Etowah),  
 Dent,  
 Espy,

Foshee,  
 Foster,  
 Freeman,  
 Gilmore,  
 Graham (Talladega),  
 Henderson,  
 Hood,  
 Jones (Bibb),  
 Ledbetter,  
 Lowe (Lawrence),  
 Malone,  
 Maxwell,  
 Merriil,  
 Miller (Marengo),  
 Miller (Wilcox),  
 Moody,  
 Mulkey,

Murphree,  
NeSmith,  
Norman,  
Norwood,  
Palmer,  
Parker (Elmore),  
Pettus,  
Phillips,  
Pillans,  
Porter,  
Reynolds (Chilton),

Sanders,  
Sloan,  
Smith (Mobile),  
Smith, Mac. A.,  
Spears,  
Spragins,  
Walker,  
Watts,  
Williams (Barbour),  
Winn—54.

#### PAIRS ANNOUNCED.

The following pairs were announced :

Messrs. Carnathon and Chapman, Cobb and Leigh, deGraffenried and Fitts, Jones of Wilcox and McMillan of Baldwin, Lomax and Pitts, Weatherly and Oates, Sentell and Thompson, Vaughan and Hodges, Foster and Weakley.

Messrs. Carnathan. Cobb. deGraffenried, Jones of Wilcox, Lomax, Weatherly, Sentell, Vaughan, and Foster would vote aye; and Messrs. Chapman, Leigh, Fitts, McMillan of Baldwin, Pitts, Oates, Thompson, Hodges, and Weakley would vote nay.

#### RECONSIDERATION.

Mr. Wilson of Clarke called up for reconsideration the vote whereby the Article on Municipal Corporations was ordered engrossed for a third reading .

Mr. Wilson of Clarke thereupon moved to take from the table his motion to reconsider the vote by which Section 6 of the Article on Municipal Corporations was adopted, and moved to make it a special order immediately after the disposition of his motion to reconsider the vote whereby the article was ordered engrossed for a third reading.

The motion to make the motion to take from the table a special order was lost.

The question recurred upon the motion of Mr. Wilson of Clarke to take from the table the motion to reconsider Section 6 of the Article on Municipal Corporations.

On motion of Mr. Fitts the motion of Mr. Wilson of Clarke was laid upon the table.

#### ADJOURNMENT.

On motion of Mr. Proctor the Convention adjourned until 9 o'clock to-morrow morning.

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### SEVENTY-FIRST DAY.

#### CONVENTION HALL.

Montgomery, Ala., Wednesday, August 14, 1901.

The Convention met pursuant to adjournment.

Prayer was offered by Mr. Ashcraft of the Convention.

#### ROLL CALL.

On a call of the roll of the Convention the following delegates answered to their names, which constituted a quorum :

Messrs. President,	Boone,
Almon,	Brooks,
Altman,	Browne,
Ashcraft,	Burns,
Banks,	Cardon,
Barefield,	Carmichael (Colbert),
Bartlett,	Carmichael (Coffee),
Beavers,	Chapman,
Beddow,	Cobb,
Blackwell,	Cofer,

Coleman (Greene),	Long (Walker),
Coleman (Walker),	Lowe (Jefferson),
Craig,	Lowe (Lawrence),
Davis (DeKalb),	Macdonald,
Davis (Etowah),	Malone,
Duke,	Martin,
Eley,	Maxwell,
Eyster,	Merrill,
Espy,	Miller (Marengo),
Ferguson,	Miller (Wilcox),
Fitts,	Moody,
Foshee,	Mulkey,
Foster,	Murphree,
Freeman,	NeSmith,
Gilmore,	Norman,
Glover,	Norwood,
Graham (Montgomery),	Oates,
Graham (Talladega),	O'Neal (Lauderdale),
Grant,	Opp,
Grayson,	Palmer,
Greer (Calhoun),	Parker (Cullman),
Greer (Perry),	Pearce,
Haley,	Pettus,
Handley,	Phillips,
Harrison,	Pillans,
Heflin (Chambers),	Pitts,
Heflin (Randolph),	Porter,
Henderson,	Proctor,
Hood,	Reese,
Howze,	Reynolds (Chilton),
Inge,	Rogers (Lowndes),
Jackson,	Samford,
Jones (Bibb),	Sanders,
Jones (Montgomery),	Sanford,
Jones (Wilcox),	Searcy,
Knight,	Selheimer,
Locklin,	Smith (Mobile),
Lomax,	Smith, Mac. A.

Smith, Morgan M.,  
 Sollie,  
 Spears,  
 Spragins,  
 Stewart,  
 Thompson,  
 Vaughan,  
 Waddell,  
 Walker,

Watts,  
 Weakley,  
 White,  
 Williams (Barbour),  
 Williams (Marengo),  
 Wilson (Clarke),  
 Wilson (Washington),  
 Winn—113.

#### LEAVE OF ABSENCE.

Was granted to Messrs. Reynolds of Henry for to-day and to-morrow; Hodges for yesterday, to-day and to-morrow.

#### REPORT OF THE COMMITTEE ON THE JOURNAL.

The chairman of the Committee on the Journal submitted the following report, which was concurred in:

The Committee on the Journal beg leave to report that they have examined the Journal for the seventieth day of the Convention, and that the same is correct.

Respectfully submitted,

JOHN F. PROCTOR, *Chairman.*

#### STENOGRAPHIC REPORT.

Mr. Long of Walker called the attention of the Convention to certain errors in the stenographic report of the proceedings of yesterday.

#### QUESTION OF PERSONAL PRIVILEGE.

Messrs. Long of Walker and O'Neal of Lauderdale arose to questions of personal privilege, and proceeded to state their question of personal privilege.

COMMITTEE ON ORDER, CONSISTENCY AND HARMONY OF

#### THE WHOLE CONSTITUTION

Were granted leave to sit during the session of to-day.

## ORDINANCES ON FIRST READING.

The following ordinances were introduced, severally read one time at length, and referred to appropriate committees as follows:

Ordinance 450, by Mr. Sanford:

To prohibit a municipality or other political division of this State granting a franchise that may endure for fifty years without the consent of the people expressed at an election held for that purpose.

The ordinance was referred to the Committee on Municipal Corporations.

Ordinance 451, by Mr. Leebetter:

To provide for the establishment of a court house and jail at some point, to be determined by an election by the people, in that portion of Talladega county, within the limits of precincts numbered 9, 10, 11, 12, and 13, in said county.

The ordinance was referred to the Committee on Amending the Constitution and Miscellaneous Provisions.

## RESOLUTIONS ON FIRST READING.

The following resolution was introduced, read one time at length, and referred to the appropriate committee as follows:

Resolution 279, by Mr. Long, of Walker:

Whereas, There is a difference of opinion in regard to the selection or election of Circuit or County Solicitors, which has been manifested to such an extent by this Convention as to leave questionable all ideas of compromise on the subject, and to leave doubtful the entire Article on Judiciary;

Therefore, with the view of harmony and in the interest of the public good,

Be it resolved by the people of Alabama, in Convention assembled, That a committee consisting of the President of this Convention and each chairman of the several different committees of this Convention, be and they are hereby appointed a special committee to take under advisement the Article on the Judicial Depart-

ment as reported by the committee, and report some method satisfactory for the election of Solicitors by the people or by the Legislature or by appointment, in whole or in part, that will be satisfactory, so that the said article on Judicial Department may be taken from the table and passed by this Convention.

The resolution was referred to the Committee on Rules.

#### REPORT OF COMMITTEE ON ENGROSSMENT.

Mr. Samford, chairman of the Committee on Engrossment, reported without recommendation resolution 283, which was read at length as follows:

Be it resolved that the Secretary of this Convention be and he is hereby authorized to contract with some competent person for the enrollment on animal parchment with India ink the Constitution upon its adoption by this Convention.

On motion of Mr. O'Neill of Jefferson the resolution was laid upon the table.

#### REPORT OF COMMITTEE ON JUDICIARY.

Mr. Smith, of Mobile, chairman of the Committee on Judiciary, reported ordinance 410, with a substitute, as follows:

Ordinance 410, by Mr. Reese:

Be it ordained by the people of Alabama, in Convention assembled:

#### ARTICLE —

Sec. — In all prosecutions for rape, adultery, fornication, sodomy, or crime against nature, the court may, in its discretion, exclude from the court room all persons except such as may be necessary in the conduct of the trial.

Substitute by Committee on Judiciary for ordinance No. 410 by Mr. Reese:

In all prosecutions for rape and assault with intent to rape, the court may, in its discretion, exclude from



the court room all persons except such as may be necessary in the conduct of the trial.

The report was laid upon the table and 300 copies ordered printed.

#### RESOLUTIONS.

Mr. Samford offered the following resolution, which was read at length one time, as follows:

Resolution 298, by Mr. Samford:

Be it resolved by the Convention that the enrolling and engrossing clerk be and she is hereby instructed to employ one assistant clerk at an amount not to exceed \$4.00 per day, for such time as she may deem advisable.

Mr. Samford moved that the rules be suspended in order to put the resolution on its immediate passage.

The rules were suspended.

Mr. Eyster thereupon moved the adoption of the resolution.

The resolution was lost.

#### UNFINISHED BUSINESS.

The Convention proceeded to the consideration of the unfinished business, which was the motion of Mr. Long of Walker to reconsider the vote by which ordinance 404 was lost.

Mr. Dent moved to table the motion to reconsider.

The motion was lost: Yeas, 56; nays, 56.

#### YEAS.

Messrs. Ashcraft,  
Banks,  
Barefield,  
Bartlett,  
Beddow,  
Boone,  
Brooks,  
Byars,  
Cofer,

Davis (Etowah),  
Dent,  
Duke,  
Eley,  
Espy,  
Fitts,  
Foshee,  
Freeman,  
Gilmore,

Graham (Talladega),  
Greer (Calhoun),  
Harrison,  
Henderson,  
Hinson,  
Howze,  
Jones (Montgomery),  
Kirk,  
Ledbetter,  
Lomax,  
Malone,  
Maxwell,  
Miller (Marengo),  
Mulkey,  
Murphree,  
NeSmith,  
Norman,  
Norwood,  
Oates,

O'Neal (Lauderdale),  
Palmer,  
Parker (Elmore).  
Phillips,  
Pillans,  
Porter,  
Reynolds (Chilton),  
Sanders,  
Searcy,  
Selheimer,  
Sloan,  
Spears,  
Vaughan,  
Waddell,  
Weakley,  
White,  
Whiteside,  
Williams (Marengo),  
Winn—56.

## NAYS.

Messrs. Almon,  
Altman,  
Bethune,  
Blackwell,  
Browne,  
Burns,  
Carmichael (Colbert),  
Carmichael (Coffee),  
Chapman,  
Cobb,  
Coleman (Greene),  
Coleman (Walker),  
Davis (DeKalb),  
Ferguson,  
Glover,  
Graham (Montgomery),  
Grant,  
Grayson,

Greer (Perry),  
Haley,  
Handley,  
Heflin (Chambers),  
Heflin (Randolph),  
Hood,  
Inge,  
Jackson,  
Jones (Bibb),  
Knight,  
Locklin,  
Long (Walker),  
Lowe (Jefferson),  
Lowe (Lawrence),  
Martin,  
Merrill,  
Miller (Wilcox),  
Moody,

Opp,  
O'Rear,  
Parker (Cullman),  
Pettus,  
Pitts,  
Proctor,  
Reese,  
Rogers (Lowndes),  
Sanford,  
Smith (Mobile),

Smith, Mac. A.,  
Smith, Morgan M.,  
Spragins,  
Stewart,  
Thompson,  
Walker,  
Watts,  
Williams (Barbour),  
Wilson (Clarke)  
Wilson (Washington)—56.

#### PAIRS ANNOUNCED.

The following pairs were announced:

Messrs. Cunningham and Cardon, President and Weatherly, Jones of Wilcox and McMillan of Baldwin. Messrs. Cunningham, President and Jones of Wilcox would vote aye; and Messrs. Cardon, Weatherly and McMillan of Baldwin would vote nay.

The motion to reconsider the vote by which ordinance 404 was lost, prevailed.

The question recurred upon the motion of Mr. Jones of Montgomery to reconsider the vote whereby certain amendments relative to Sheriffs having two terms of office was adopted.

Mr. Jones of Montgomery moved to postpone the further consideration of his motion to reconsider until after the report of the Committee on Journal on Friday.

The motion was lost.

Mr. O'Neal of Lauderdale moved to postpone the further consideration of the motion of Mr. Jones of Montgomery to reconsider until after the disposition of ordinance 404.

Mr. Long of Walker moved to amend the motion of Mr. O'Neal of Lauderdale by making it a special order for 12 o'clock to-day.

On motion of Mr. Proctor, the motion of Mr. O'Neal of Lauderdale and Long of Walker were laid upon the table.

Mr. Reese moved to table the motion of Mr. Jones of Montgomery.

The motion was lost: Yeas, 45; nays, 23.

YEAS.

Messrs. Almon,	Hinson,
Altman,	Hood
Barefield,	Locklin,
Boone,	Long (Walker),
Brooks,	Miller (Marengo),
Burns,	Miller (Wilcox)
Carmichael (Colbert),	Moody,
Carmichael (Coffee),	Murphree,
Chapman,	NeSmith,
Cobb,	Opp,
Coleman (Greene),	O'Rear,
Duke,	Palmer,
Eley,	Parker (Cullman),
Eyster,	Pettus,
Glover,	Proctor.
Graham (Montgomery),	Reese,
Graham (Talladega),	Smith, Morgan M.,
Grayson,	Stewart,
Greer (Perry),	Vaughan,
<b>Haley,</b>	Williams (Marengo),
Handley,	Wilson (Clarke)
Heflin (Chambers),	Wilson (Washington)—45.
Heflin (Randolph),	

NAYS.

Messrs. Ashcraft,	Cardon,
Banks,	Cofer,
Bartlett,	Coleman (Walker),
Beddow,	Davis (DeKalb),
Bethune,	Davis (Etowah),
Blackwell,	Dent.
Browne,	Espy.
Burnett,	Ferguson,
Byars,	Fitts,

Foshee,  
 Freeman,  
 Gilmore,  
 Grant,  
 Greer (Calhoun),  
 Harrison,  
 Henderson,  
 Howze,  
 Inge,  
 Jackson,  
 Jenkins,  
 Jones (Bibb),  
 Jones (Montgomery),  
 Jones (Wilcox),  
 Kirk,  
 Knight,  
 Ledbetter,  
 Lomax,  
 Lowe (Jefferson),  
 Malone,  
 Martin,  
 Maxwell,  
 Merrill,  
 Mulkey,  
 Norman,  
 Norwood,  
 Oates,  
 O'Neal (Lauderdale),

Parker (Elmore),  
 Phillips,  
 Pillans,  
 Pitts,  
 Porter,  
 Reynolds (Chilton),  
 Rogers (Lowndes),  
 Sanford,  
 Sanders,  
 Sanford,  
 Searcy,  
 Selheimer,  
 Sloan,  
 Smith (Mobile),  
 Smith, Mac. A.,  
 Sollic,  
 Spears,  
 Spragins,  
 Thompson,  
 Waddell,  
 Walker,  
 Watts,  
 Weakley,  
 White,  
 Whiteside,  
 Williams (Barbour),  
 Winn—73.

#### PAIRS ANNOUNCED.

The following pair was announced:

Messrs. Weatherly and President. Mr. Weatherly would vote aye; and Mr. President would vote nay.

The question recurred upon the motion of Mr. Jones of Montgomery to reconsider the vote by which the amendment offered by Mr. Barefield in regard to Sheriffs having two terms was adopted.

Mr. Hood raised the point of order that the motion of Mr. Jones of Montgomery was out of order, in that the article had been ordered engrossed and to a third reading, and that it would be necessary to reconsider

the vote by which the article on Impeachments was ordered engrossed and to a third reading.

Mr. Lowe, of Jefferson, raised the point of order that the point of order made by Mr. Hood came too late, in that the Chair and the Convention had entertained the motion to reconsider the vote whereby the amendment offered by Mr. Barefield in regard to Sheriffs having two terms was adopted, and that said motion had been entered at a former session of the Convention and set down for consideration after the motion to reconsider the article relating to Impeachments of Sheriffs, and at this session of the Convention the Convention had considered the motion to reconsider and had voted down a motion to table the same, and that objection to its consideration must, therefore, be considered as having been waived by unanimous consent, and that the consideration of the motion to reconsider the vote whereby the amendment offered by Mr. Barefield in regard to Sheriffs having two terms operated, under the circumstances to reconsider the vote whereby the article on Impeachments was ordered engrossed and to a third reading, and the vote whereby Section 2, as amended, was adopted by unanimous consent.

The Chair stated that the Chair was in doubt on the point of order, and would submit the question for the decision of the Convention.

Thereupon the Chair submitted the question to the Convention upon the point of order raised by Mr. Lowe of Jefferson, and the point of order was sustained.

Thereupon the Chair overruled the point of order raised by Mr. Hood.

The question recurred upon the motion of Mr. Jones of Montgomery to reconsider the vote whereby the amendments to Section 2 were adopted.

The motion prevailed, and the vote was reconsidered.

Thereupon Mr. Pitts moved to table the amendment offered by Mr. Barefield to Section 2.

The motion prevailed: Yeas, 77; nays, 38.

## YEAS.

Messrs. President,  
Altman,  
Ashcraft,  
Banks,  
Bartlett,  
Beddow,  
Bethune,  
Blackwell,  
Brooks,  
Browne,  
Burnett,  
Byars,  
Cofer,  
Coleman (Greene),  
Coleman (Walker),  
Craig,  
Davis (DeKalb),  
Davis (Etowah),  
Dent,  
Espy,  
Ferguson,  
Fitts,  
Foshee,  
Freeman,  
Gilmore,  
Grant,  
Greer (Calhoun),  
Harrison,  
Henderson,  
Hood,  
Howze,  
Jackson,  
Jenkins,  
Jones (Bibb),  
Jones (Wilcox),  
Kyle,  
Knight,  
Ledbetter,  
Lomax,

Lowe (Jefferson),  
Malone,  
Martin,  
Maxwell,  
Merrill,  
Mulkey,  
Norman,  
Norwood,  
Oates,  
O'Neal (Lauderdale),  
O'Neill (Jefferson),  
Parker (Cullman),  
Parker (Elmore),  
Phillips,  
Pitts,  
Porter,  
Proctor,  
Reynolds (Chilton),  
Rogers (Lowndes),  
Sanders,  
Sanford,  
Selheimer,  
Sloan,  
Smith (Mobile),  
Smith, Mac. A.,  
Sollie,  
Spears,  
Spragins,  
Stewart,  
Thompson,  
Vaughan,  
Waddell,  
Walker,  
Watts,  
Weakley,  
White,  
Whiteside.  
Williams (Barbour)—77.

## NAYS.

Messrs. Barefield,	Jones (Montgomery),
Boone,	Long (Walker),
Burns,	Lowe (Lawrence),
Cardon,	Miller (Marengo),
Carmichael (Colbert),	Miller (Wilcox),
Chapman,	Moody,
Cobb,	Murphree,
Duke,	NeSmith,
Eley,	Opp,
Eyster,	O'Rear,
Glover,	Palmer,
Graham (Montgomery),	Pettus,
Graham (Talladega),	Reese,
Grayson,	Searcy,
Greer (Perry),	Smith, Morgan M.,
Handley,	Williams (Marengo),
Heflin (Chambers),	Wilson (Clarke)
Heflin (Randolph),	Wilson (Washington).
Hinson,	Winn—38.

## QUESTION OF PERSONAL PRIVILEGE.

Mr. Long of Walker arose to a question of personal privilege, and proceeded to state his question of personal privilege.

The question recurred upon the adoption of Section 2 as originally reported and amended by the amendment of Mr. Coleman of Walker, which amendment was adopted by unanimous consent.

On motion of Mr. Hood Section 2, as originally reported by the Committee, and amended, was thereupon adopted.

On motion of Mr. Hood the Article on Impeachments was ordered engrossed for a third reading and adoption.

On motion of Mr. Hood, ordinance 404 was taken up.

Mr. O'Neal of Lauderdale moved to table the ordinance 404.



The motion of Mr. O'Neal of Lauderdale was lost.

On motion of Mr. Hood ordinance 404 was read at length, as follows, and adopted: Yeas, 74; nays, 44.

Ordinance 404, by Mr. Coleman, of Walker:

Whereas, Ample provision is made by law for the impeachment of officers, and

Whereas, It is contrary to the policy of this government that any part of the powers of one department should be exercised by an officer of another department, and

Whereas, It is contrary to the spirit of our institutions that any person should be punished before a trial.

Now, therefore, be it ordained by the people of Alabama, in Convention assembled, that the following part of Section 28 of Article V, adopted by this Convention be and the same is hereby annulled, to-wit: "And the Governor, when satisfied after hearing the Sheriff, that he should be impeached, may suspend him from office until the impeachment proceedings are decided."

#### YEAS.

Messrs. Almon,  
Altman,  
Beavers,  
Bethune,  
Blackwell,  
Browne,  
Burnett,  
Burns,  
Carmichael (Colbert),  
Carmichael (Coffee),  
Chapman,  
Cobb,  
Coleman (Greene),  
Coleman (Walker),  
Cornwell,  
Davis (DeKalb),  
Eley,  
Eyster,

Ferguson,  
Foshee,  
Foster,  
Glover,  
Graham (Montgomery),  
Grant,  
Grayson,  
Greer (Calhoun),  
Greer (Perry),  
Handley,  
Heflin (Chambers),  
Heflin (Randolph),  
Henderson,  
Hood,  
Inge,  
Jackson,  
Jones (Bibb),  
Knight,

Locklin,  
Long (Walker),  
Lowe (Jefferson),  
Lowe (Lawrence),  
Martin,  
Merrill,  
Miller (Marengo),  
Miller (Wilcox),  
Moody,  
Norwood,  
Opp.  
O'Rear,  
Palmer,  
Parker (Cullman),  
Parker (Elmore),  
Pettus,  
Pitts,  
Proctor,  
Reese,

Rogers (Lowndes),  
Samford,  
Sanford,  
Smith (Mobile),  
Smith, Mac. A.,  
Smith, Morgan M.,  
Sollie,  
Spears,  
Stewart,  
Spragins,  
Thompson,  
Vaughan,  
Walker,  
Watts,  
Williams (Barbour),  
Williams (Marengo),  
Wilson (Clarke),  
Wilson (Washington).  
Winn—74.

## NAYS.

Messrs. Ashcraft,  
Banks,  
Barefield,  
Bartlett,  
Beddow,  
Boone,  
Brooks,  
Byars,  
Cofer,  
Craig,  
Dent,  
Duke,  
Espy,  
Fitts,  
Freeman,  
Graham (Talladega),  
Harrison,  
Hinson,  
Howze,

Jones (Montgomery),  
Jones (Wilcox),  
Kirk,  
Ledbetter,  
Lomax,  
Malone,  
Maxwell,  
Mulkey,  
Murphree,  
NeSmith,  
Norman,  
Oates,  
O'Neal (Lauderdale),  
Phillips,  
Pillans,  
Porter,  
Reynolds (Chilton),  
Sanders,  
Searcy,

Selheimer,  
Sloan,  
Waddell,

Weakley,  
White,  
Whiteside—44.

#### PAIRS ANNOUNCED.

The following pairs were announced:

Messrs. Weatherly and President, Cardon and Cunningham. Messrs. Weatherly and Cardon would vote aye; and Mr. President and Mr. Cunningham would vote nay.

The ordinance 404 was referred to the Committee on Order, Consistency and Harmony of the Whole Constitution.

#### REGULAR ORDER.

The Convention proceeded to the consideration of the regular order, which was the report of the Committee on Education.

On motion of Mr. Graham of Talladega the report was considered section by section.

#### EDUCATION.

##### SECTION ONE.

Was read at length as follows and adopted:

Section 1. The General Assembly shall establish, organize and maintain a liberal system of public schools throughout the State for the benefit of the children thereof between the ages of 7 and 21 years. The public school fund shall be apportioned to the several counties in proportion to the number of school children of school age therein, and shall be so apportioned to the schools in the districts or townships in the county as to provide, as nearly as practicable, school terms of equal duration in such school districts or townships. Separate schools shall be provided for white and colored children and no child of either race shall be permitted to attend a school of the other race.

## SECTION TWO.

Was read at length as follows and adopted:

Sec. 2. The principal of all funds arising from the sale or other disposition of lands or other property, which has been or may hereafter be granted or entrusted to this State or given by the United States for educational purposes, shall be preserved inviolate and undiminished; and the income arising therefrom shall be faithfully applied to the specific object of the original grants or appropriations.

## SECTION THREE.

Was read at length as follows and adopted:

Section 3. All lands or other property given by individuals, or appropriated by the State for educational purposes, and all estates of deceased persons, who die without leaving a will or heir, shall be faithfully applied to the maintenance of the public schools.

## SECTION FOUR.

Was read at length as follows and adopted:

Sec. 4. All poll taxes levied and collected in this State shall be applied to the support of the public schools in the respective counties where levied and collected.

## SECTION FIVE.

Was read at length as follows:

Sec. 5. The income arising from the Sixteenth Section trust fund, the surplus revenue fund, until it is called for by the United States government, and the funds enumerated in Sections 3 and 4 of this Article, together with the special annual tax of 30 cents on each \$100 dollars of taxable property in this State shall be applied to the support and maintenance of the public schools and it shall be the duty of the General Assembly to increase, from time to time, the public school

fund as the necessity therefor and the condition of the treasury and the resources of the State may justify. Provided, that nothing herein contained shall be so construed as to authorize the General Assembly to levy in any one year a greater rate of taxation than 65 cents on each \$100 worth of taxable property.

Mr. Dent offered the following amendment to Section 5:

Moves to amend Section 5 of Article on Education by striking therefrom the following words, "together with the special annual tax of 30 cents on each \$100 of taxable property of this State," in lines three and four of said section, and insert in lieu thereof the following, "together with such sum as the Legislature may decide."

Mr. O'Neal of Lauderdale offered the following amendment to the amendment offered by Mr. Dent:

Amend amendment by striking out the words "together with the special annual tax of 30 cents on each \$100 of taxable property in the State," and insert in lieu thereof "with such other moneys to be not less than \$100,000 per annum, as the General Assembly shall provide by taxation or otherwise."

#### RECESS.

Pending the further consideration of the report of the Committee on Education, the hour of 1 o'clock having arrived, under the rules, the Convention recessed until 3:30 this afternoon.

#### AFTERNOON SESSION.

The Convention met pursuant to adjournment.

#### ROLL CALL.

On a call of the roll of the Convention the following delegates answered to their names, which constituted a quorum:

Messrs. President,  
 Ashcraft,  
 Bartlett,  
 Beavers,  
 Beddow,  
 Bethune,  
 Blackwell,  
 Boone,  
 Brooks,  
 Browne,  
 Bulger,  
 Burns,  
 Byars,  
 Cardon,  
 Case,  
 Chapman,  
 Cobb,  
 Coleman (Greene),  
 Davis (DeKalb),  
 Davis (Etowah),  
 Eley,  
 Eyster,  
 Fletcher,  
 Foshee,  
 Foster,  
 Freeman,  
 Gilmore,  
 Graham (Talladega),  
 Grant,  
 Grayson,  
 Greer (Calhoun),  
 Greer (Perry),  
 Haley,  
 Handley,  
 Heflin (Randolph),  
 Henderson,  
 Hood,  
 Howze,  
 Inge,

Jones (Bibb),  
 Kirk,  
 Knight,  
 Kyle,  
 Ledbetter,  
 Locklin,  
 Lomax,  
 Lowe (Lawrence),  
 Macdonald,  
 Malone,  
 Martin,  
 Maxwell,  
 Merrill,  
 Miller (Marengo),  
 Miller (Wilcox),  
 Moody,  
 Murphree,  
 Norman,  
 Norwood,  
 Oates,  
 O'Neal (Lauderdale),  
 Opp,  
 O'Rear,  
 Palmer,  
 Parker (Cullman),  
 Parker (Elmore),  
 Pettus,  
 Phillips,  
 Pillans,  
 Pitts,  
 Proctor,  
 Reese,  
 Rogers (Lowndes),  
 Samford,  
 Sanders,  
 Sanford,  
 Searcy,  
 Selheimer,  
 Smith, Mac. A.

Smith, Morgan M.,  
Sollie,  
Sorrell,  
Spears,  
Spragins,  
Stewart,  
Thompson,  
Vaughan,

Walker,  
Watts,  
Weakley,  
White,  
Whiteside,  
Williams (Barbour),  
Williams (Marengo)  
Wilson (Clarke)—93.

#### REPORT OF THE COMMITTEE ON ENGROSSMENT.

Mr. Samford, chairman of the Committee on Engrossment, submitted the following report, which was concurred in:

*Mr. President:*

We, your Committee on Engrossment, beg leave to report that we have examined and compared the following ordinances, articles and resolutions, to-wit: On Amending the Constitution, on Relating to the Bonded Indebtedness of the State, Ordinance No. 409, Representation, Exemptions, Municipal Corporations, Resolution No. 188, and find the same to be correct.

WM. H. SAMFORD,  
Chairman Committee on Engrossment.

#### ARTICLES ON THIRD READING.

The Article on Amending the Constitution and Miscellaneous Provisions was read at length a third time, as follows, and adopted: Yeas, 87; nays, 7.

An ordinance to prescribe the mode in which the Constitution may be amended.

Be it ordained by the people of Alabama, in Convention assembled, that Article XVII of the Constitution be stricken out, and the following article inserted in lieu thereof:

## ARTICLE XVII.

## MODE OF AMENDING THE CONSTITUTION.

1. Amendments may be proposed to this Constitution by the General Assembly in the manner following: The proposed amendments shall be read in the House in which they originate on three several days, and if upon the third reading three-fifths of all the members elected to that House shall vote in favor thereof the proposed amendments shall be sent to the other House, in which they shall likewise be read on three several days, and if upon the third reading, three-fifths of all the members elected to that House shall vote in favor of the proposed amendments, the General Assembly shall order an election by the qualified electors of the State upon such proposed amendments, to be held either at the general election next succeeding the session of the General Assembly at which the amendments are proposed or upon another day appointed by the General Assembly not less than three months after adjournment of the session of the General Assembly at which the amendments are proposed. Notice of such election, together with the proposed amendments shall be given by proclamation of the Governor, which shall be published in every county in such manner as the General Assembly shall direct, for at least eight weeks successively next preceding the day appointed for such election. On the day so appointed an election shall be held for the vote of the qualified electors of the State on the proposed amendments. If such election be held on the day of the general election, the officers of the general election shall open a poll for the vote of the qualified electors on the proposed amendments; if it be held on a day other than that of a general election, officers for such election shall be appointed and the election shall be held in all things in accordance with the law governing general elections. In all elections upon such proposed amendments the votes cast thereat shall be canvassed, tabulated, and returns thereof made to the Secretary of State, and counted, in the same manner as is done in elections for



Representatives in the General Assembly, and if it shall thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendments voted in favor of the same, such amendments shall be valid to all intents and purposes as parts of this Constitution. The result of such election shall be made known by proclamation of the Governor; provided, that representation in the Legislature shall be based upon population, and such basis of representation shall not be changed by constitutional amendment.

2. Upon the ballots to be used at all elections provided for in Sec. 1 of this article, the substance or subject matter of each proposed amendment shall be printed so that the nature thereof shall be clearly indicated, following each proposed amendment on the ballot shall be printed the words "Yes" and immediately following that shall be printed the word "No." The choice of the elector shall be indicated by a cross mark before the answer he desires and no amendment shall be adopted unless it receives the affirmative vote of a majority of all the qualified electors who voted at such election.

3. No convention shall hereafter be held for the purpose of altering or amending the Constitution of this State, unless after the General Assembly, by a vote of a majority of all the members elected to each House, has passed an act or resolution calling a Convention for such purpose, the question of Convention or No Convention shall first be submitted to a vote of all the qualified electors of the State, and approved by a majority of those voting at such election. No act or resolution of the General Assembly calling a convention for the purpose of altering or amending the Constitution of this State shall be repealed except upon the vote of a majority of all the members elected to each House at the same session at which such act or resolution was passed; provided, nothing herein contained shall be construed as restricting the jurisdiction and power of the Convention when duly assembled in pursuance of this section, to establish such ordinances and to do and perform such other things as to the Convention may seem necessary or proper to alter, revise or amend the existing Constitution.

4. All votes of the General Assembly upon proposed amendments to this Constitution, and upon bills or resolutions calling a Convention for the purpose of altering or amending the Constitution of this State shall be taken by yeas and nays and entered on the Journals. No act or resolution of the General Assembly passed in accordance with the provisions of this article proposing amendments to this Constitution, or calling a convention for the purpose of altering or amending the Constitution of this State shall be submitted for the approval of the Governor, but shall be valid without his approval.

YEAS.

Messrs. President,  
Almon,  
Altinan,  
Ashcraft,  
Barefield,  
Beddow,  
Bethune,  
Blackwell,  
Boone,  
Brooks,  
Browne,  
Bulger,  
Burnett,  
Burns,  
Cardon,  
Chapman,  
Coleman (Greene),  
Coleman (Walker),  
Craig,  
Davis (DeKalb),  
Davis (Etowah),  
Dent,  
Eley,  
Eyster,  
Espy,  
Foster,

Glover,  
Graham (Talladega),  
Grant,  
Greer (Calhoun),  
Greer (Perry),  
Haley,  
Handley,  
Harrison,  
Heffin (Randolph),  
Henderson,  
Hood,  
Howze,  
Inge,  
Jones (Bibb),  
Jones (Wilcox),  
Kirk,  
Knight,  
Ledbetter,  
Lomax,  
Lowe (Lawrence),  
Macdonald,  
Malone,  
Maxwell,  
Merrill,  
Miller (Marengo),  
Miller (Wilcox),  
Moody,

Norwood,  
 Oates,  
 O'Neal (Lauderdale),  
 O'Rear,  
 Palmer,  
 Parker (Cullman),  
 Pettus,  
 Pillans,  
 Pitts,  
 Proctor,  
 Reese,  
 Rogers (Lowndes),  
 Samford,  
 Sanders,  
 Sanford,  
 Searcy,  
 Smith (Mobile),

Smith, Mac. A.,  
 Smith, Morgan M.,  
 Stewart,  
 Thompson,  
 Vaughan,  
 Waddell,  
 Walker,  
 Watts,  
 Weakley,  
 White,  
 Whiteside,  
 Williams (Barbour),  
 Williams (Marengo),  
 Wilson (Clarke),  
 Wilson (Washington).  
 Winn—86.

#### NAYS.

Messrs. Bartlett,  
 Byars,  
 Foshee,  
 Grayson,

Long (Walker),  
 Phillips,  
 Porter—7.

The ordinance to amend Article XVI of the Constitution was read a third time at length as follows, and adopted: Yeas, 89; nays, 4.

An ordinance to amend Article XVI of the Constitution.

Be it ordained by the people of Alabama, in Convention assembled, that Article XVI of the Constitution be stricken out, and the following article inserted in lieu thereof:

### ARTICLE XVI.

#### MISCELLANEOUS PROVISIONS.

1. No person holding an office of profit under the United States, except postmasters, whose annual salaries do not exceed \$200, shall, during his continuance in such office, hold any office of profit under this State;

nor shall any person holding two offices of profit at one time under this State, except Justices of the Peace, Constables, Notaries Public, and Commissioners of Deeds.

2. The salary, fees or compensation of any officer holding any civil office of profit under this State or any county or municipality thereof, shall not be increased or diminished during the term for which he shall have been elected or appointed.

3. It is made the duty of the General Assembly to enact all laws necessary to give effect to the provisions of this Constitution.

## YEAS.

Messrs. Almon,	Graham (Talladega),
Altman,	Grant,
Ashcraft,	Grayson,
Banks,	Greer (Calhoun),
Barefield,	Greer (Perry),
Beavers,	Haley,
Beddow,	Handley,
Bethune,	Harrison,
Blackwell,	Heflin (Randolph),
Boone,	Henderson,
Brooks,	Flood,
Bulger,	Howze,
Burnett,	Inge,
Burns,	Jones (Bibb),
Cardon,	Jones (Wilcox),
Carmichael (Colbert),	Kirk,
Chapman,	Knight,
Cobb,	Locklin,
Coleman (Greene),	Lomax,
Coleman (Walker),	Long (Walker),
Cunningham,	Lowe (Jefferson),
Davis (DeKalb),	Lowe (Lawrence),
Davis (Etowah),	Macdonald,
Dent,	Martin,
Espy,	Maxwell,
Foster,	Merrill,

Miller (Marengo),	Smith, Mac. A.
Murphree,	Smith, Morgan M.,
Norwood,	Spragins,
Oates,	Stewart,
O'Neal (Lauderdale),	Tayloe,
O'Rear,	Thompson,
Palmer,	Vaughan,
Parker (Cullman),	Waddell,
Parker (Elmore),	Walker,
Pettus,	Watts,
Pillans,	Weakley,
Porter,	White,
Proctor,	Whiteside,
Reese,	Williams (Barbour),
Rogers (Lowndes),	Williams (Marengo),
Samford,	Wilson (Clarke),
Sanders,	Wilson (Washington),
Searcy,	Winn—89.
Selheimer,	

## NAYS.

Messrs. Bartlett,	Foshee,
Byars,	Phillips—4.

The Article on Representation was read a third time at length, as follows, and adopted: Yeas, 109; nays, 3.

## ARTICLE —.

## REPRESENTATION.

Section 1. The whole number of Senators shall be not less than one-fourth, or more than one-third of the whole number of Representatives.

Sec. 2 The House of Representatives shall consist of not more than one hundred and five members, unless new counties are created, in which event each county shall be entitled to one Representative. The members of the House of Representatives shall be apportioned by the General Assembly among the several counties of the State, according to the number of inhabitants in

them respectively, as ascertained by the decennial census of the United States; which apportionment when made shall not be subject to alteration until the next session of the General Assembly after the next decennial census of the United States shall have been taken.

Sec. 3. It shall be the duty of the General Assembly at its first session after the taking of the decennial census of the United States in the year 1910, and after each subsequent decennial census, to fix by law the number of Representatives, and apportion them among the several counties of the State, according to the number of inhabitants in them respectively; provided, that each county shall be entitled to at least one Representative.

Sec. 4. It shall be the duty of the General Assembly at its first session after the taking of the decennial census of the United States in the year 1910, and after each subsequent decennial census, to fix by law the number of Senators, and to divide the State into as many Senatorial districts as there are Senators, which districts shall be as nearly equal to each other in the number of inhabitants as may be, and each shall be entitled to one Senator, and no more; and which districts, when formed, shall not be changed until the next apportioning session of the General Assembly after the next decennial census of the United States shall have been taken; provided, that counties created after the next preceding apportioning session of the General Assembly may be attached to Senatorial districts. No county shall be divided between two districts, and no district shall be made up of two or more counties not contiguous to each other.

Sec. 5. Should the decennial census of the United State, from any cause, not be taken, or if when taken the same, as to this State, is not full and satisfactory, the General Assembly shall have power at its first session after the time shall have elapsed for the taking of said census, to provide for an enumeration of all the inhabitants of this State, and once in each ten years thereafter, upon which it shall be the duty of the General Assembly to make the apportionment of Representatives and Senators, as provided for in this article.

**Sec. 6.** Until the General Assembly shall make an apportionment of Representatives among the several counties, at its first session after the taking of the decennial census of the United States in the year nineteen hundred and ten, as herein provided, the counties of Autauga, Baldwin, Bibb, Blount, Cherokee, Chilton, Choctaw, Clay, Cleburne, Coffee, Colbert, Conecuh, Coosa, Covington, Crenshaw, Cullman, Dale, DeKalb, Escambia, Fayette, Franklin, Geneva, Greene, Lamar, Lawrence, Limestone, Macon, Marion, Marshall, Monroe, Pickens, Randolph, St. Clair, Shelby, Washington, and Winston shall each have one Representative; the counties of Barbour, Bullock, Butler, Calhoun, Chambers, Clarke, Elmore, Etowah, Hale, Henry, Jackson, Lauderdale, Lee, Lowndes, Madison, Marengo, Morgan, Perry, Pike, Russell, Sumter, Talladega, Tallapoosa, Tuscaloosa, Walker and Wilcox shall each have two Representatives; the counties of Dallas and Mobile shall each have three Representatives; the county of Montgomery shall have four Representatives; and the county of Jefferson shall have seven Representatives.

**Sec. 7.** Until the General Assembly shall divide the State into Senatorial districts, as herein provided, the Senatorial districts shall be as follows:

First district, Lauderdale and Limestone; Second district, Lawrence and Morgan; Third district, Blount, Cullman and Winston; Fourth district, Madison; Fifth district, Jackson and Marshall; Sixth district, Etowah and St. Clair; Seventh district, Calhoun; Eighth district, Talladega; Ninth district, Chambers and Randolph; Tenth district, Tallapoosa and Elmore; Eleventh district, Tuscaloosa; Twelfth district, Fayette, Lamar and Walker; Thirteenth district, Jefferson; Fourteenth district, Pickens and Sumter; Fifteenth District, Autauga, Chilton and Shelby; Sixteenth district, Lowndes; Seventeenth district, Butler, Conecuh and Covington; Eighteenth district, Bibb and Perry; Nineteenth district, Choctaw, Clarke and Washington; Twentieth district, Marengo; Twenty-first district, Baldwin, Escambia and Monroe; Twenty-second district, Wilcox; Twenty-third district, Dale and Geneva; Twenty-fourth dis-

trict, Barbour; Twenty-fifth district, Coffee, Crenshaw and Pike; Twenty-sixth district, Bullock and Macon; Twenty-seventh district, Lee and Russell; Twenty-eighth district, Montgomery; Twenty-ninth district, Cherokee and DeKalb; Thirtieth district, Dallas; Thirty-first district, Colbert, Franklin and Marion; Thirty-second district, Greene and Hale; Thirty-third district, Mobile; Thirty-fourth district, Cleburne, Clay and Coosa; Thirty-fifth district, Henry.

## YEAS.

Messrs. President,	Fitts,
Almon,	Foster,
Altman,	Freeman,
Ashcraft,	Glover,
Banks,	Graham (Montgomery),
Barefield,	Graham (Talladega),
Beavers,	Grant,
Beddow,	Grayson,
Bethune,	Greer (Calhoun),
Blackwell,	Greer (Perry),
Boone,	Haley,
Brooks,	Handley,
Browne,	Harrison,
Bulger,	Heflin (Randolph),
Burnett,	Henderson,
Burns,	Hood,
Cardon,	Howze,
Carmichael (Colbert),	Inge,
Chapman,	Jones (Bibb),
Cobb,	Jones (Wilcox),
Coleman (Greene),	Kirk,
Coleman (Walker),	Knight,
Cornwell,	Ledbetter,
Craig,	Locklin,
Davis (DeKalb),	Lomax,
Davis (Etowah),	Long (Walker),
Dent,	Lowe (Jefferson),
Eley,	Macdonald,
Eyster,	Malone,
Espy,	Martin,



Maxwell,	Sanford,
Merrill,	Searcy,
Miller (Marengo),	Selheimer,
Miller (Wilcox),	Smith (Mobile),
Moody,	Smith, Mac. A.
Murphree,	Smith, Morgan M.,
NeSmith,	Sollie,
Norman,	Spears.
Norwood,	Spragins,
Oates,	Stewart,
O'Neal (Lauderdale),	Thompson,
Opp,	Vaughan,
O'Rear,	Waddell,
Palmer,	Walker,
Parker (Cullman),	Watts,
Parker (Elmore),	Weakley,
Pettus,	Weatherly,
Phillips,	White,
Pillans,	Whiteside,
Pitts,	Williams (Barbour),
Proctor,	Williams (Marengo),
Reese,	Wilson (Clarke),
Rogers (Lowndes),	Wilson (Washington),
Samford,	Winn—109.

## NAYS.

Messrs. Byars,  
Foshee,

Porter—3.

The Article on Municipal Corporations was read a third time at length, as follows, and adopted: Yeas, 102; nays. 4.

## MUNICIPAL CORPORATIONS.

Section 1. No person, firm, or association or corporation shall be authorized or permitted to use the streets, avenues or alleys and public places of any city, town or village for the construction or operation of any public utility or private enterprise, without the consent of the proper authorities of such city, town or village being first had and obtained.

Sec. 2. The General Assembly shall not enact any law which will permit a person, firm, corporation or association of any character to pay privilege license or other tax to the State of Alabama, and relieve him or it from the payment of all other privilege and license taxes in the State.

Sec. 3. No county, city, town, village, district or other political subdivision of a county shall have authority, or be authorized by the General Assembly, after the ratification of this Constitution, to issue bonds, unless such issue of bonds shall have first been approved by a majority vote by ballot of the qualified voters of such county, city, town, village, district or other political subdivision of a county, voting upon such proposition. In determining the result of any election held for this purpose no vote shall be counted as an affirmative vote which does not show on its face that such vote was cast in approval of such issue of bonds. This section shall not apply to the renewal, refunding or re-issue of bonds lawfully issued, nor prevent the issuance of bonds in cases where the same have been authorized by laws enacted prior to the ratification of this Constitution, nor shall this section apply to obligations incurred or bonds to be issued to procure means to pay for street and sidewalk improvements, or sanitary or storm water sewers, the cost of which is to be assessed in whole or in part against the property abutting said improvements, or drained by such sanitary or storm water sewers. No city, town, or other municipality shall make any assessments for the cost of sidewalk or street paving, or for the cost of the construction of any sewers against property abutting on such street or sidewalk so paved or drained by such sewers in excess of the increased value of such property by reason of the special benefits derived from such improvements.

Sec. 4. No city, town, or village whose present indebtedness exceeds the limitations imposed by this Constitution shall be allowed to become indebted in any further amount except as otherwise provided in this Constitution, until such indebtedness shall be reduced within such limit; provided, however, that nothing herein

contained shall prevent any municipality from issuing bonds in renewal or for the refunding of obligations already existing, or from issuing bonds already authorized by law; provided, the provisions of this section shall not apply to the cities of Sheffield and Tusculumbia.

Sec. 5. No city, town, village or other municipal corporation other than provided for in this article shall levy or collect a higher rate of taxation in any one year on the property situated therein than one-half of 1 per centum of the value of such property as assessed for State taxation during the preceding year; provided, that for the purpose of paying debts existing on the 6th day of December, 1875, and the interest thereon a tax of 1 per centum may be levied and collected, to be applied exclusively to the payment of such indebtedness; and provided further, that this section shall not apply to the city of Mobile, which city may, from and after the ratification of this Constitution, levy a tax not to exceed the rate of three-fourths of one per centum, to pay the expenses of the city government, and may also levy a tax not to exceed three-fourths of one per centum to pay the debt existing on the 6th day of December, 1875, with the interest thereon, or any renewal of such debt; and provided further, that this section shall not apply to the cities of Birmingham and Huntsville, which cities may levy and collect a tax not to exceed one-half of one per centum in addition to the tax of one-half of one per centum as hereinabove allowed to be levied and collected, such special tax to be applied exclusively to the payment of interest on the bonds of said cities of Birmingham and Huntsville, as heretofore issued in pursuance of law or now authorized by law to be issued, and for a sinking fund to pay off said bonds at the maturity thereof; and provided further, that this section shall not apply to the cities of Troy, Attalla, Gadsden, Bessemer, Woodlawn, Brewton, Pratt City, Ensley and Wylam and Avondale, which cities may, from and after the ratification of this Constitution, levy and collect an additional tax not exceeding one-half of one per centum per annum, and provided further, that this section shall not apply to the cities of Decatur and New Decatur, Cullman, which

cities may from and after the ratification of this Constitution, levy and collect an additional tax not exceeding three-tenths of one per centum. Such special tax to be applied exclusively to paying the current expenses of the public schools, to public improvements, and to the payment of the current expenses of their city governments; but this additional tax shall not be levied unless authorized by a majority vote of the qualified electors voting at a special election held for the purpose of ascertaining whether or not said tax shall be levied; and provided further that the purpose for which such special tax is sought to be levied shall be stated in such election call, and if authorized the revenue derived from such tax shall be used for no other purpose than that stated; and provided further, that the additional tax authorized to be levied by the city of Troy shall, when so levied and collected, be used exclusively in payments of bonds and interest coupons thereon hereafter issued in the adjustment of the present bonded indebtedness of said city; and provided further that this section shall not apply to the city of Montgomery, which city shall have the right to levy and collect a tax of not exceeding one-half of one per centum per year upon the value of the taxable property therein, as fixed for State taxation, for general expenses, and an additional tax of not exceeding three-fourths of one per centum per year upon the value of the property therein, as fixed for State taxation, to be devoted exclusively to the payment of its public debt, interest thereon, and renewal thereof, and to the maintenance of its public schools and public conveniences; and provided further, that this section shall not apply to the town of Andalusia, which town may levy and collect a tax not to exceed one-half of one per centum in addition to the tax of one-half of one per centum, as hereinbefore allowed to be levied and collected; such special tax to be applied exclusively to the payment of interest on bonds of said town of Andalusia now authorized by law to be issued; and for a sinking fund to pay off said bonds at the maturity thereof.

Sec. 6. Any person, firm, association or corporation, who may construct or operate any public utility along or

across the public streets of any municipal corporation, under any privilege or franchise permitting such construction, in or through said municipal corporation, shall be liable to abutting proprietors for the actual damages done to the abutting property on account of such construction or operation.

## YEAS.

Messrs. President,	Gilmore,
Almon,	Glover,
Altman,	Graham (Montgomery),
Ashcraft,	Graham (Talladega).
Banks,	Grant,
Barefield,	Grayson,
Beddow,	Greer (Calhoun),
Bethune,	Greer (Perry),
Blackwell,	Handley,
Boone,	Harrison,
Brooks,	Heflin (Randolph),
Browne,	Henderson,
Burnett,	Hood,
Burns,	Howze,
Cardon,	Inge,
Carmichael (Colbert),	Jones (Bibb),
Chapman,	Jones (Wilcox),
Cobb,	Kirk,
Coleman (Greene),	Knight,
Coleman (Walker),	Ledbetter,
Cornwell,	Locklin,
Craig,	Lomax,
Davis (DeKalb),	Long (Walker),
Davis (Etowah),	Lowe (Jefferson),
Dent,	Macdonald,
Duke,	Malone,
Eley,	Martin,
Eyster,	Maxwell,
Evoy,	Merrill,
Fitts,	Miller (Marengo),
Foster,	Miller (Wilcox),
Freeman,	Moody,

Murphree,  
NeSmith,  
Norman,  
Norwood,  
O'Neal (Lauderdale),  
Opp,  
O'Rear,  
Palmer,  
Parker (Cullman),  
Parker (Elmore),  
Pettus,  
Pillans,  
Pitts,  
Proctor,  
Rogers (Lowndes),  
Samford,  
Sanders,  
Searcy,  
Selheimer,  
Smith (Mobile),

Smith, Mac. A.,  
Smith, Morgan M.  
Sollie,  
Spears,  
Spragins,  
Stewart,  
Thompson,  
Vaughan,  
Waddell,  
Walker,  
Watts,  
Weakley,  
White,  
Whiteside,  
Williams (Barbour),  
Williams (Marengo),  
Wilson (Clarke),  
Wilson (Washington),  
Winn—102.

NAYS.

Messrs. Byars,  
Cofer,

Oates,  
Sanford—4.

The Article on Exemptions was read a third time at length, as follows, and adopted: Yeas, 106; nays, 1.

Section 1. The personal property of any resident of this State to the value of \$1,000, to be selected by such resident, shall be exempted from sale on execution, or other process of any court, issued for the collection of any debt contracted since the thirteenth day of July, 1868, or after the ratification of this Constitution.

Sec. 2. Every homestead, not exceeding 80 acres, and the dwelling and appurtenances thereon, to be selected by the owner thereof, and not in any city, town or village, or in lieu thereof, at the option of the owner, any lot in a city, town or village, with the dwelling and appurtenances thereon owned and occupied by any resident of this State, and not exceeding the value of \$2,000,

shall be exempt from sale on execution or any other process from a court, for any debt contracted since the thirteenth day of July, 1868, or after the ratification of this Constitution. Such exemption, however, shall not extend to any mortgage lawfully obtained, but such mortgage, or other alienation of said homestead by the owner thereof, if a married man, shall not be valid without the voluntary signature and assent of the wife to the same.

Sec. 3. The homestead of a family, after the death of the owner thereof, shall be exempt from the payment of any debt contracted since the thirteenth day of July, 1868, or after the ratification of this Constitution, in all cases, during the minority of the children.

Sec. 4. The provisions of Sections 1 and 2 of this article shall not be so construed as to prevent a laborers' lien for work done and performed for the person claiming such exemption, or a mechanic's lien for work done on the premises.

Sec. 5. If the owner of a homestead die, leaving a widow, but no children, such homestead shall be exempt, and the rents and profits thereof shall inure to her benefit.

Sec. 6. The real or personal property of any female in this State, acquired before marriage, and all property, real or personal, to which she may afterwards be entitled by gift, grant, inheritance or devise, shall be and remain the separate estate and property of such female, and shall not be liable for any debts, obligations and engagements of her husband, and may be devised or bequeathed by her, the same as if she was a feme sole.

Sec. 7. The right of exemption hereinbefore secured, may be waived by an instrument in writing, and when such waiver relates to realty, the instrument must be signed by both the husband and the wife, and attested by one witness.

YEAS.

Messrs. President,	(Greer (Perry),
Almol,	Handley,
Altman,	Harrison,
Ashcraft,	Heflin (Randolph),
Banks,	Henderson,
Barefield,	Hood,
Beddow,	Howze,
Bethune,	Inge,
Blackwell,	Jenkins,
Brooks,	Jones, (Bibb),
Browne,	Kirk,
Bulger,	Knight,
Burnett,	Ledbetter,
Burns,	Locklin,
Cardon,	Lomax,
Carmichael (Coffee),	Lowe (Jefferson),
Chapman,	Macdonald,
Cobb,	Malone,
Cofer,	Martin,
Coleman (Greene),	Maxwell,
Coleman (Walker),	Merrill,
Cornwell,	Miller (Marengo),
Craig,	Miller (Wilcox),
Davis (DeKalb),	Moody,
Davis (Etowah),	Murphree,
Dent,	NeSmith,
Eley,	Norman,
Eyster,	Norwood,
Espy,	Oates,
Fitts,	O'Neal (Lauderdale),
Foster,	Opp,
Freeman,	O'Rear,
Gilmore,	Palmer,
Glover,	Parker (Cullman),
Graham (Montgomery),	Parker (Elmore),
Graham (Talladega),	Pettus,
Grant,	Pillans,
Grayson,	Pitts,
Greer (Calhoun),	Porter,



Proctor,	Stewart,
Reese,	Thompson,
Rogers (Lowndes),	Vaughan,
Samford,	Waddell,
Sanders,	Walker,
Sanford,	Watts,
Searcy,	Weakley,
Selheimer,	White,
Smith (Mobile),	Whiteside,
Smith, Mac. A.,	Williams (Barbour),
Smith, Morgan M.	Williams (Marengo),
Sollie,	Wilson (Clarke).
Spears,	Wilson (Washington).
Spragins,	Winn—106.

NAYS.

Mr. Byars—1.

#### REPORT OF THE COMMITTEE ON AMENDING THE CONSTITUTION AND MISCELLANEOUS PROVISIONS.

Mr. Foster, chairman of the Committee on Amending the Constitution and Miscellaneous Provisions, submitted the following report, which was read at length and laid on the table, and 300 copies of the same were ordered printed:

Ordinance 449, with substitute, by Mr. Browne:

Report of the Committee on Amending the Constitution and Miscellaneous Provisions.

*Mr. President:*

Your Committee on Amending the Constitution and Miscellaneous Provisions, to which was referred Ordinance No. 449, by Mr. Browne of Talladega, has instructed me to report favorably the said ordinance, with the following substitute for the same, which they recommend be adopted, the said substitute having been agreed upon in writing by those opposing and those favoring said Ordinance No. 449.

Respectfully submitted,

J. M. FOSTER, *Chairman.*

An ordinance to repeal so much of ordinance No. 390, as amended, and adopted by this Convention which applies to beats 8, 9 and 13 of Shelby county.

Be it ordained by the people of Alabama in Convention assembled, that the substitute for ordinance No. 390, to provide for the establishment of a court house and jail in St. Clair county, as amended, by providing for the establishment of a court house and jail in Shelby county, which has been adopted by this Convention, be and the same is hereby repealed, so far as the same applies to beats 8,9 and 13 of Shelby county.

UNFINISHED BUSINESS.

The Convention proceeded to the consideration of the unfinished business, which was the report of the Committee on Education.

The question recurred upon the adoption of the amendment offered by Mr. O'Neal of Lauderdale to the amendment offered by Mr. Dent.

By unanimous consent Mr. O'Neal of Lauderdale withdrew his amendment and inserted in lieu of the same the following amendment to the amendment offered by Mr. Dent:

Strike out the following words in line three, Section 5, of article "together with the special annual tax of 30 cents on each \$100 of taxable property in this State" and insert in lieu thereof the following: "Together with an annual appropriation of not less than the amount now paid by the State therefor."

And add at the end of the section the following:

And provided further that nothing herein contained shall be so construed as to prevent the Legislature from first providing for the payment of the State's bonded indebtedness, and the interest thereon, out of all the revenues of the State.

Mr. Graham of Talladega moved to table the amendment offered by Mr. Dent, and the amendment to the amendment offered by Mr. O'Neal of Lauderdale.

A division of the question was demanded.

The amendment of Mr. O'Neal of Lauderdale was laid upon the table.

The question recurred upon the motion of Mr. Graham of Talladega to table the amendment offered by Mr. Dent.

The motion prevailed and the amendment was laid upon the table.

Mr. Graham of Talladega offered the following amendment to Section 5:

Amend Section 5 by adding at the end thereof the following: "And provided further, that nothing herein contained shall prevent the Legislature from first providing for the payment of the State's bonded indebtedness and interest thereon out of all the revenues of the State."

The amendment was adopted.

On motion of Mr. Graham of Talladega Section 5, as amended, was adopted: Yeas, 81; nays 19.

#### YEAS.

Messrs. President.

Almon,

Altman,

Ashcraft,

Barefield,

Bartlett,

Beddow,

Bethune,

Blackwell,

Boone,

Browne,

Bulger,

Burnett,

Byars,

Cardon,

Carmichael (Colbert),

Cobb,

Cofer,

Coleman (Greene),

Davis (DeKalb),

Davis (Etowah),

Eyster,

Espy,

Ferguson,

Fletcher,

Foshee,

Foster,

Freeman,

Gilmore,

Glover,

Graham (Talladega),

Grant,

Grayson,

Greer (Perry),

Handley,

Heflin (Randolph),

Howze,

Inge,

Jackson,

Jenkins,

Jones (Bibb),

Jones (Wilcox),

Kirk,

Knight,

Ledbetter,	Parker (Elmore),
Locklin,	Pettus,
Lowe (Jefferson),	Phillips,
Lowe (Lawrence),	Pillans,
Macdonald,	Porter,
Malone,	Procter,
Martin,	Reese,
Maxwell,	Rogers (Lowndes),
Miller (Marengo),	Sanders,
Miller (Wilcox),	Smith (Mobile),
Mulkey,	Smith, Mac. A.,
Norman,	Spragins,
Norwood,	Stewart,
O'Neal (Lauderdale),	Thompson,
Opp,	White,
O'Rear,	Williams (Barbour),
Palmer,	Wilson (Clarke),
Parker (Cullman),	Wilson (Washington)—81.

NAYS.

Messrs. Banks,	Pitts,
Chapman,	Sanford,
Craig,	Searcy,
Dent,	Selheimer,
Eley,	Vaughan,
Henderson,	Waddell,
Jones (Montgomery),	Walker,
Merrill,	Watts,
Murphree,	Whiteside—19.
Oates,	

PAIRS ANNOUNCED.

The following pairs were announced:

Messrs. Fitts and Winn, Greer of Calhoun and Harrison, Long of Walker and Jackson. Messrs. Fitts, Greer of Calhoun and Long of Walker would vote aye; and Messrs. Winn, Harrison and Jackson would vote nay.

## RECONSIDERATION.

Mr. Long of Walker moved to reconsider the vote by which Section 5 of the Article on Education was adopted and then moved to lay his motion to reconsider on the table.

Mr. Long of Walker thereupon moved a suspension of the rules in order to proceed to the immediate consideration of his motion to reconsider.

The motion to suspend the rules was lost.

## ADJOURNMENT.

Pending the further consideration of the report of the Committee on Education, on motion of Mr. Cobb the Convention adjourned until 9 o'clock to-morrow morning.

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SEVENTY-SECOND DAY.

## CONVENTION HALL.

Montgomery, Ala., Thursday, August 15, 1901.

The Convention met pursuant to adjournment.

Prayer was offered by Rev. Mr. Howell of the Convention.

## ROLL CALL.

On a call of the roll of the Convention the following delegates answered to their names, which constituted a quorum :

Messrs. President,  
Altman,  
Ashcraft,  
Banks,  
Barefield,  
Bartlett,

Beavers,  
Beddow,  
Bethune,  
Blackwell,  
Boone,  
Brooks.

Browne,  
 Bulger,  
 Burnett,  
 Burns,  
 Byars,  
 Cardon,  
 Carmichael (Colbert),  
 Carmichael (Coffee),  
 Chapman,  
 Cobb,  
 Cofer,  
 Coleman (Greene),  
 Craig,  
 Cunningham,  
 Davis (DeKalb),  
 Davis (Etowah),  
 Dent,  
 Eley,  
 Eyster,  
 Espy,  
 Fitts,  
 Foster,  
 Freeman,  
 Gilmore,  
 Glover,  
 Graham (Talladega),  
 Grant,  
 Grayson,  
 Greer (Calhoun),  
 Greer (Perry),  
 Handley,  
 Harrison,  
 Heflin (Randolph),  
 Henderson,  
 Hodges,  
 Hood,  
 Howell,  
 Howze,  
 Inge,  
 Jackson,  
 Jones (Bibb),

Jones (Wilcox),  
 Kirk,  
 Knight,  
 Kyle,  
 Locklin,  
 Lomax,  
 Lowe (Lawrence),  
 McMillan (Baldwin),  
 McMillan (Wilcox),  
 Malone,  
 Martin,  
 Maxwell,  
 Merrill,  
 Moody,  
 Mulkey,  
 Murphree,  
 NeSmith,  
 Norman,  
 Norwood,  
 O'Neal (Lauderdale),  
 Opp,  
 O'Rear,  
 Palmer,  
 Parker (Cullman),  
 Pearce,  
 Pettus,  
 Phillips,  
 Pillans,  
 Pitts,  
 Porter,  
 Proctor,  
 Rogers (Lowndes),  
 Samford,  
 Sanders,  
 Sanford,  
 Searcy,  
 Selheimer,  
 Sloan,  
 Smith (Mobile),  
 Smith, Mac. A.  
 Smith, Morgan M.,

Stewart,  
Studdard,  
Tayloe,  
Thompson,  
Vaughan,  
Waddell,  
Walker,

Watts,  
Weakley,  
Weatherly,  
White,  
Whiteside,  
Williams (**Barbour**),  
Winn—107.

#### QUESTION OF PERSONAL PRIVILEGE.

Messrs. Heflin of Chambers, and Waddell arose to questions of personal privilege, and proceeded to state their question of personal privilege.

#### LEAVE OF ABSENCE

Was granted to Messrs. Oates, Macdonald for to-day; Ledbetter for to-day and to-morrow; Porter for Friday, Saturday and Monday; Gilmore for Friday and Saturday; Duke and Haley for to-day.

#### REPORT OF THE COMMITTEE ON THE JOURNAL.

The chairman of the Committee on the Journal submitted the following report, which was concurred in:

The Committee on the Journal beg leave to report that they have examined the Journal for the seventy-first day of the Convention, and that the same is correct.

Respectfully submitted,

JOHN F. PROCTOR, *Chairman*.

On motion of Mr. White, the Committee on Order, Consistency and Harmony of the Whole Constitution, was granted leave to sit during the sessions from day to day the remainder of the session of the Convention.

#### PRIVILEGES OF THE FLOOR.

On motion of Mr. Mac. A. Smith the privileges of the floor were extended to Hon. H. A. Livingston.

## RESOLUTIONS ON FIRST READING.

The following resolutions were introduced, severally read one time at length, and referred to appropriate committees as follows:

Resolution 299, by Mr. Burns:

Resolved, That there should be no attempt to shut off delegates who may desire to offer ordinances, resolutions or amendments, by motions to table or calling the previous question.

The resolution was referred to the Committee on Rules.

Resolution 300, by Mr. Cardon:

Whereas, It is now beyond all reasonable doubt apparent that many of the sections of this State believe that all persons now in office in Alabama, or that all persons who may hereafter be called upon to fill such offices, are for sale, the price being fixed by the amount of travel, in a year, that may be required or desired to take over the different railroads within this State; and

Whereas, It is the desire and duty of this Convention to forestall this market by relieving such railroads from the necessity of making bids for or buying the officers and servants of Alabama with railroad free passes, and also by removing from such officers and servants the temptation of selling themselves to such railroads at the price of a railroad free pass;

Be it therefore resolved by the people of Alabama in Convention assembled, that all the railroads within the State of Alabama be and they are hereby required to issue free passes over the lines of such railroads within this State to all the judges of courts of record in Alabama, and to all the officers of such courts; and also to all the State officers of Alabama, and to their employes; and also to all members and employes of the future Legislatures of this State; and also to all delegates to any State Convention that may be hereafter called in Alabama.

The resolution was referred to the Committee on Corporations.

Resolution 301, by Mr. Rogers, of Lowndes:



**Resolved**, That after this Convention has adopted this Constitution that five thousand (5,000) copies of it be printed in pamphlet form, for distribution throughout the State, and that six (6) copies be sent to each member by the Secretary of the Convention; that the Committee on Printing be instructed to contract for the printing and distribution of the same and report to the Convention the cost of the same.

The resolution was referred to the Committee on Schedule, Printing and Incidental Expenses.

**Resolution 302**, by Mr. Sloan:

**Resolved**, That hereafter this Convention meet in the afternoon sessions at 3 o'clock and adjourn at 6 o'clock.

The resolution was referred to the Committee on Rules.

**Resolution 303**, by Mr. Heflin, of Chambers:

Whereas, The Article on Judiciary has been laid upon the table, and

Whereas, The Judiciary Committee has indefinitely postponed an ordinance which provides for electing Solicitors by the General Assembly and retaining the present Circuit Solicitor system, and

Whereas, The Convention desires ordinance No. — reported back speedily and favorably to the Convention.

Be it resolved, That a special committee be raised for the purpose of considering and reporting said ordinance No. —, and said committee shall be composed of the President of this Convention, Smith of Mobile, White, Coleman of Greene, Oates, O'Neal of Lauderdale, Graham of Talladega, Browne, Jones of Montgomery, Lomax, Harrison, Pitts, Howze, Wilson, Fletcher, Weakley, Parker of Cullman, Hood, Foster, Proctor, Heflin of Randolph.

The resolution was referred to the Committee on Rules.

#### ORDINANCES ON FIRST READING.

The following ordinances were introduced, severally read one time at length, and referred to appropriate committees as follows:

Ordinance 452, by Mr. Coleman, of Greene:

Providing for the election of Solicitors for each Judicial circuit in the State.

The ordinance was referred to the Committee on Judiciary.

Ordinance 453, by Mr. Foshee:

Providing for the registration of colored electors.

The ordinance was referred to the Committee on Suffrage and Elections.

Ordinance 454, by Mr. Sanford:

To repeal that part of Section 11 of the Article on Municipal Corporations which affects the city of Montgomery.

The ordinance was referred to the Committee on Municipal Corporations.

Ordinance 455, by Mr. Heflin, of Chambers:

Providing for the adoption of an article on the Judicial department.

The ordinance was referred to the Committee on Judiciary.

ORDINANCE 455.

Mr. Heflin of Chambers moved that the rules be suspended and that ordinance 455 be laid upon the table, to be taken up and referred to the special committee proposed to be raised under resolution 303, introduced by himself.

The motion of Mr. Heflin of Chambers was lost: Yeas, 24; nays, 77.

YEAS.

Messrs. Barefield,  
Burns,  
Carmichael (Colbert),  
Carmichael (Coffee),  
Glover,  
Grayson,  
Greer (Calhoun),  
Handley,

Heflin (Chambers),  
Heflin (Randolph),  
Inge,  
Jackson,  
Jenkins,  
Jones (Wilcox),  
Knight,  
Loma,

Lowe (Jefferson),  
Opp,  
O'Rear,  
Parker (Cullman),

Proctor,  
Sanford,  
Sentell,  
Smith, Morgan M.—24.

## NAYS.

Messrs. Altman,  
Ashcraft,  
Banks,  
Bartlett,  
Beddow,  
Blackwell,  
Boone,  
Brooks,  
Bulger,  
Burnett,  
Byars,  
Cardon,  
Chapman,  
Cobb,  
Cofer,  
Craig,  
Davis (DeKalb),  
Davis (Etowah),  
Dent,  
Eley,  
Eyster,  
Espy,  
Fitts,  
Foshee,  
Freeman,  
Gilmore,  
Graham (Montgomery),  
Graham (Talladega),  
Grant,  
Greer (Perry),  
Henderson,  
Hodges,  
Hood,  
Howell,

Howze,  
Jones (Bibb),  
Kyle,  
Long (Walker),  
Lowe (Lawrence),  
McMillan (Baldwin),  
Malone,  
Martin,  
Miller (Wilcox),  
Moody,  
Mulkey,  
Murphree,  
NeSmith,  
Norman,  
O'Neal (Lauderdale),  
Palmer,  
Parker (Elmore),  
Pettus,  
Pillans,  
Pitts,  
Porter,  
Reynolds (Chilton),  
Samford,  
Sanders,  
Selheimer,  
Sloan,  
Smith, Mac. A.,  
Spears,  
Spragins,  
Studdard,  
Tayloe,  
Thompson,  
Vaughan,  
Waddell,

Walker,  
Watts,  
Weakley,  
White,  
Whiteside,

Williams (Barbour),  
Wilson (Clarke),  
Wilson (Washington),  
Wirn—77.

## PAIR ANNOUNCED.

The following pair was announced:

Messrs. Williams of Marengo and Smith of Mobile.  
Mr. Williams of Marengo would vote aye; and Mr. Smith of Mobile would vote nay.

Mr. Heflin of Chambers moved that the Convention resolve itself into a committee of the whole.

Mr. Graham of Talladega raised the point of order that under the rules that all ordinances must be referred to appropriate committees immediately after the first reading.

The point of order was sustained, and the resolution (255) was referred to the Committee on Judiciary.

## UNFINISHED BUSINESS.

The Convention proceeded to the consideration of the unfinished business, which was the report of the Committee on Education.

## SECTION SIX.

Was read at length as follows and adopted.

Sec. 6. Not more than 4 per cent. of all moneys raised or which may hereafter be appropriated for the support of public schools, shall be used or expended otherwise than for the payment of teachers employed in such schools; provided, that the General Assembly may, by a vote of two-thirds of each House, suspend the operation of this section.

## SECTION SEVEN.

Was read at length as follows, and adopted:

Sec. 7. The supervision of the public schools shall be

vested in a Superintendent of Education, whose powers, duties and compensation shall be fixed by law.

#### SECTION EIGHT.

Was read at length as follows, and adopted:

Sec. 8. No money raised for the support of the public schools of the State shall be appropriated to or used for the support of any sectarian or denominational school.

#### SECTION NINE.

Was read at length as follows:

Sec. 9. The State University and the Agricultural and Mechanical College, now called the Alabama Polytechnic Institute, shall each be under the management and control of a Board of Trustees. The Board for the University shall consist of two members from the Congressional district in which the University is located, and one from each of the other Congressional districts in the State. The Board for the Agricultural and Mechanical College shall consist of two members from the Congressional district in which the college is located and one from each of the other Congressional districts in the State, said Trustees shall be appointed by the Governor by and with the advice and consent of the Senate, and shall hold office for a term of six years and until their successors shall be appointed and qualified. After the first appointment each Board shall be divided into three classes, as nearly equal as may be. The seats of the first class shall be vacated at the expiration of two years, and those of the second class in four years, and those of the third class at the end of six years from the date of appointment, so that one-third may be chosen biennially. No Trustee shall receive any pay or emolument other than his actual expenses incurred in the discharge of his duties as such. The Governor shall be ex-officio President, and the Superintendent of Education ex-officio member of each of said Boards of Trustees.

The following minority report to Section 9 was read at length as follows:

Therefore, the undersigned minority of your Committee on Education recommends that the words "each of said Boards of Trustees" at the end of Section 9 of the report be stricken out, and that there shall be added in lieu thereof the words "the Board of Trustees of the Alabama Polytechnic Institute. The Superintendent of Education shall be ex-officio a member of the Board of Trustees of the University; and the said board shall elect its own president."

Mr. Foster offered the following substitute for the minority report to Section 9:

Amend minority report on Section 9 of Article on Education by striking out of said Section all therein that applies to the State University, and by adding at the end of Section the following:

"The State University shall be under the management and control of a Board of Trustees, which shall consist of two members from the Congressional district in which the University is located, and one from each of the other Congressional districts in the State; and the Superintendent of Education, and the Governor, who shall be ex-officio president of the Board. The members of the Board of Trustees now existing shall hold office until their respective terms expire under existing law, and until their successors shall be elected and confirmed as hereinafter required. When the term of any member of such board shall expire, the remaining members of the board shall, by secret ballot, elect his successor. At every meeting of the Legislature the Superintendent of Education shall certify to the Senate the names of all who shall have been so elected since the last session of the Legislature, and the Senate shall confirm or reject them, as it shall determine as for the best interest of the University. If it reject the names of any members, it shall thereupon elect trustees in the stead of those rejected. The trustees who shall hereafter be elected and confirmed shall hold office for a term of six years from the date of their confirmation or election by the Senate, and until their successors shall be elected and confirmed. No trustee shall receive any pay or emolument other than his actual expenses incurred in the discharge of his duties as such.

Mr. Fitts offered the following amendment to the substitute offered by Mr. Foster, which was adopted by unanimous consent:

Add to the substitute the following words: "No trustee shall hold office for more than twelve successive years."

Mr. Pettus moved to table the substitute offered by Mr. Foster.

The motion was lost: Yeas, 14; nays, 97.

## YEAS.

Messrs. Altman,  
Ashcraft,  
Bethune,  
Cofer,  
Eley,  
Foshee,  
Harrison,

Hodges,  
Merrill,  
Opp,  
Pettus,  
Proctor,  
Vaughan,  
Williams (Barbour)—14.

## NAYS.

Messrs. Almon,  
Banks,  
Barefield,  
Bartlett,  
Beddow,  
Blackwell,  
Boone,  
Browne,  
Bulger,  
Burnett,  
Burns,  
Byars,  
Cardon,  
Carmichael (Colbert),  
Carmichael (Coffee),  
Chapman,  
Cobb,  
Coleman (Greené),  
Cornwell,  
Cunningham,

Dent,  
Evster,  
Espy,  
Ferguscn,  
Fitts,  
Foster,  
Freeman,  
Gilmore,  
Glover,  
Graham (Montgomery),  
Graham (Talladega),  
Grant,  
Grayson,  
Greer (Calhoun),  
Handley,  
Heflin (Chambers),  
Heflin (Randolph),  
Henderson,  
Hinson,  
Hood,

Howell,  
Howze,  
Inge,  
Jackson,  
Jenkins,  
Jones, (Bibb),  
Jones (Montgomery),  
Jones (Wilcox),  
Knight,  
Kyle,  
Locklin,  
Long (Walker),  
Lowe (Jefferson),  
Lowe (Lawrence),  
Malone,  
Martin,  
Maxwell,  
Miller (Wilcox).  
Mulkey,  
Murphree,  
NeSmith,  
Norwood.  
O'Neal (Lauderdale),  
O'Neill (Jefferson),  
O'Rear,  
Palmer,  
Parker (Cullman),  
Parker (Elmore),  
Phillips,

Pillans,  
Pitts,  
Porter,  
Reese,  
Reynolds (Chilton),  
Rogers (Lowndes),  
Samford,  
Sanders,  
Sauford,  
Searcy,  
Sentell,  
Sloan,  
Smith (Mobile),  
Smith, Mac. A.,  
Smith, Morgan M.,  
Spears,  
Spragins,  
Stewart,  
Studdard,  
Tayloe,  
Thompson,  
Waddell,  
Walker,  
Watts,  
Whiteside,  
Wilson (Clarke),  
Wilson (Washington),  
Winn—97.

The question recurred upon the adoption of the substitute offered by Mr. Foster for the minority report, and the amendment offered by Mr. Fitts to the substitute offered by Mr. Foster.

A division of the question was demanded.

The amendment offered by Mr. Fitts to the substitute offered by Mr. Foster was adopted.

The question recurred upon the adoption of the substitute offered by Mr. Foster as amended by the amendment of Mr. Fitts.



The substitute as amended was adopted.

On motion of Mr. Pettus the minority report, as amended, was adopted.

Mr. Sanford offered the following amendment to Section 9:

Amend Section 9 by adding at the end of said section the words: "Neither the Legislature nor any board of trustees for the control and management of the University of Alabama, or the Alabama Polytechnic Institute at Auburn, shall have authority or power to abolish the system of military education in existence at those institutions of learning.

On motion of Mr. Lomax the amendment was laid upon the table.

Section 9 was thereupon adopted as amended.

#### SECTION TEN.

Was read at length as follows, and adopted:

Sec. 10. The General Assembly shall have no power to change the location of the State University or the Agricultural and Mechanical College, or the institutions for deaf and blind, or the Alabama Girls' Industrial School, as now established by law, except upon a vote of two-thirds of the General Assembly, taken by yeas and nays and entered upon the Journals.

#### SECTION ELEVEN.

Was read at length as follows, and adopted:

Sec. 11. The General Assembly shall provide for taking a school census by townships and districts throughout the State not oftener than once in two years, and shall provide for the punishment of all persons or officers making false and fraudulent enumerations and returns; provided, the State Superintendent may order and supervise the taking of a new census in any township, whenever he may have reasonable cause to believe that false or fraudulent returns have been made.

## SECTION TWELVE.

Was read at length as follows :

Sec. 12. The several counties in this State shall have power to levy and collect a special tax not exceeding 10 cents on each \$100 of taxable property in such counties, for the support of public schools; provided, that the rate of such tax, the time it is to continue, and the purpose thereof shall have been first submitted to a vote of the qualified electors of the county and voted for by three-fifths of those voting at such election; but the rate of such special tax shall not increase the rate of taxation, State and county combined, in any year, more than \$1.25 on each \$100 of taxable property; excluding, however, all special county taxes for public buildings, roads, bridges and payment of debts existing at the ratification of the Constitution of 1875; provided, that such funds so raised shall be apportioned and paid through the proper school officials to the several schools in the townships and districts in said county, that the school terms of the respective schools shall be extended by each supplement as nearly the same length of time as practicable.

The General Assembly shall provide for carrying the provisions of this section into effect.

The following minority report to Section 12 was read at length as follows :

12. It shall be the duty of the County Superintendent of Education, or other school officer in each county, by and with the advice and consent of the Court of County Commissioners, or body of like jurisdiction, to organize the white people of the county into white school districts, and the colored people of the county into colored school districts, according to their respective needs and advantages, without reference to each other as to territorial boundaries; provided, no incorporated town or city maintaining a system of public schools, as provided by law, shall be separated into districts without the consent of the Mayor and Board of Aldermen of such city or town.

For the purpose of building, enlarging, improving or furnishing school houses in any district or for the purpose of supplementing the general school fund received from Federal, State, county, municipal and other sources the Court of County Commissioners, or body of like jurisdiction, shall, as hereinafter provided, levy a special assessment of not more than one-tenth of one per centum in any one year, upon the property of white persons situated in one white district, or upon the property of colored persons situated in a colored district; provided, no such levy shall be made except upon the request of three-fifths of the voters voting at an election held for that purpose and residing in the district. At such election in a white school district only qualified white electors shall be permitted to vote, and in colored school districts only qualified colored electors shall be permitted to vote. It shall be the duty of the Probate Judge to order such election in any district upon the petition of not less than one-fourth of the voters, who will be entitled to vote at such election. The order for such an election shall state the purpose for which it is proposed to make the assessment, the rate of the proposed assessment, and the number of years during which such assessment is proposed to be made. Notice of such election shall be given and the election held in such manner as may be provided by law for such special elections. No proposition shall be made at any such election to levy such special assessment during a period of more than four years.

When any property belonging to a corporation, situated in a white school district where a special assessment is to be made as herein provided, such assessment shall be levied upon such proportion of the value of such property as the number of white children of school age in the county bears to the whole number of children of school age in the county. When such property is situated in a colored school district where such assessment is made, it shall be levied upon such proportion of the value thereof as the number of colored children of school age in the county bears to the whole number of children of school age in the county.

RECESS.

Pending the further consideration of the report of the Committee on Education, the hour of 1 o'clock having arrived, under the rules, the Convention recessed until 3:30 this afternoon.

AFTERNOON SESSION.

The Convention met pursuant to adjournment.

ROLL CALL.

On a call of the roll of the Convention, the following delegates answered to their names, which constituted a quorum :

Messrs. President,	Dent,
Ashcraft,	Eley,
Banks,	Eyster,
Bartlett,	Espy,
Beavers,	Fitts,
Beddow,	Foshee,
Bethune,	Foster,
Blackwell,	Freeman,
Boone,	Glover,
Brooks,	Graham (Talladega),
Browne,	Grant,
Burns,	Grayson,
Byars,	Greer (Calhoun),
Cardon,	Greer (Perry),
Carmichael (Colbert),	Handley,
Chapman,	Harrison,
Cobb,	Heflin (Chambers),
Cofer,	Heflin (Randolph),
Coleman (Greene),	Henderson,
Coleman (Walker),	Hodges,
Craig,	Hood,
Cunningham,	Howell,
Davis (DeKalb),	Howze,
Davis (Etowah),	Inge,

Jackson,  
Jenkins,  
Jones (Bibb),  
Jones (Wilcox),  
Kirk,  
Knight,  
Kyle,  
Ledbetter,  
Lomax,  
Long (Walker),  
Lowe (Jefferson),  
Lowe (Lawrence),  
Macdonald,  
McMillan (Baldwin),  
Malone,  
Martin,  
Maxwell,  
Merrill,  
Moody,  
Mulkey,  
Murphree,  
Norman,  
Norwood,  
O'Neill (Jefferson),  
O'Rear,  
Palmer,  
Parker (Cullman),  
Pettus,  
Phillips,  
Pillans,

Pitts,  
Porter,  
Proctor,  
Reese,  
Reynolds (Chilton),  
Reynolds (Henry),  
Rogers (Lowndes),  
Samford,  
Sanders,  
Sanford,  
Searcy,  
Selheimer,  
Sentell,  
Smith (Mobile),  
Smith, Mac. A.,  
Smith, Morgan M.,  
Spears,  
Spragins,  
Stewart,  
Studdard,  
Thompson,  
Vaughan,  
Waddell,  
Walker,  
Weakley,  
White,  
Whiteside,  
Williams (Barbour),  
Wilson (Washington).

#### QUESTION OF PERSONAL PRIVILEGE.

Mr. Heflin of Chambers arose to a question of personal privilege, and proceeded to state his question of personal privilege.

#### UNFINISHED BUSINESS.

The Convention proceeded to the consideration of the unfinished business, which was the report of the Committee on Education.

The question recurred upon the adoption of the minority report to Section 2, of the Article on Education.

Mr. Graham of Talladega moved to table the amendment offered by the minority to Section 12 of the report of the Committee on Education.

The motion to table prevailed: Yeas, 90; nays, 31.

YEAS.

Messrs. President,	Greer (Calhoun),
Altman,	Greer (Perry),
Bartlett,	Haley,
Beavers,	Handley,
Beddow,	Harrison,
Bethune,	Henderson,
Boone,	Hinson,
Brooks,	Hood,
Browne,	Howell,
Burnett,	Howze,
Byars,	Inge,
Carmichael (Colbert),	Jackson,
Carmichael (Coffee),	Jenkins,
Chapman,	Jones (Montgomery),
Cobb,	Jones (Wilcox),
Cofer,	Kirk,
Coleman (Walker),	Knight,
Cunningham,	Kyle,
Dent,	Lomax,
Eley,	Lowe (Jefferson),
Eyster,	McMillan (Baldwin),
Espy,	Martin,
Ferguson,	Maxwell,
Fitts,	Merrill,
Foster,	Miller (Wilcox),
Freeman,	Mulkey,
Gilmore,	Murphree,
Glover,	NeSmith,
Graham (Montgomery),	Norman,
Graham (Talladega),	Norwood,
Grant,	O'Neal (Lauderdale),

O'Neill (Jefferson),  
 Palmer,  
 Parker (Cullman),  
 Parker (Elmore),  
 Phillips,  
 Pillans,  
 Pitts,  
 Proctor,  
 Reese,  
 Reynolds (Chilton),  
 Rogers (Lowndes),  
 Samford,  
 Sanford,  
 Searcy,  
 Selheimer,

Sentell,  
 Sloan,  
 Smith (Mobile),  
 Smith, Mac. A.,  
 Spears,  
 Tayloe,  
 Vaughan,  
 Waddell,  
 Walker,  
 Watts,  
 White,  
 Whiteside,  
 Williams (Barbour),  
 Winn—90.

#### NAYS.

Messrs. Almon,  
 Ashcraft,  
 Banks,  
 Barefield,  
 Blackwell,  
 Bulger,  
 Burns,  
 Cornwell,  
 Davis (Etowah),  
 Foshee,  
 Grayson,  
 Heflin (Chambers),  
 Heflin (Randolph),  
 Hodges,  
 Jones (Bibb),  
 Locklin,

Long (Walker),  
 Lowe (Lawrence),  
 Macdonald,  
 Malone,  
 Moody,  
 Opp,  
 O'Rear,  
 Pettus,  
 Sanders,  
 Smith, Morgan M.,  
 Spragins,  
 Thompson,  
 Weakley,  
 Wilson (Clarke)  
 Wilson (Washington)—31.

Mr. Graham of Talladega offered the following amendment to Section 12, which was adopted:

Amend Section 12, in line 9, after figures 1875, by inserting the following: "For which special county taxes not exceeding one-fourth of 1 per cent. may be levied and collected."

Mr. Graham of Talladega, chairman of the Committee on Education, offered the following amendment to Section 12, which was adopted:

Amend Section 12 by adding at the end of line 13 the following words, viz.: "And provided that the provisions of this section shall not apply to the cities of Decatur, New Decatur and Cullman."

Mr. Cobb offered the following amendment to Section 12:

Amend by adding to the close of Section 12 the following: "And provided further that the Legislature may authorize the levying of said tax within the municipalities in said county, when no tax has been levied in the county for this purpose; provided, that the levy of the same be authorized by a three-fifths vote of the qualified voters within such territorial limits as above provided."

Mr. Fitts offered the following amendment to the amendment offered by Mr. Cobb: Amend Section 12 as follows: Between lines 5 and 6 insert the following words: "And at such special election every single woman over the age of 21 years and owning in her own right \$1,000 worth of real estate, as shown by the assessment roll of the county, shall be entitled to vote, which vote she may cast by a sealed ballot in writing, to be delivered to the election managers at the place and within the hours fixed for the holding of the election."

On motion of Mr. Long of Walker the amendment of Mr. Fitts was laid upon the table.

Mr. Coleman of Greene offered the following amendment to the amendment offered by Mr. Cobb: Amend the amendment by adding the following: "Provided, that the funds raised by such taxation shall be distributed for the benefit of the school children of the county."

Mr. Harrison moved to table the amendment offered by Mr. Cobb and the amendment to the amendment offered by Mr. Coleman of Greene.

A division of the question was demanded.

The amendment offered by Mr. Coleman of Greene was laid upon the table.

The question recurred upon the motion to table the amendment offered by Mr. Cobb.



The motion prevailed, and the amendment was laid upon the table.

Mr. Whiteside moved to table Section 12 as amended.

The motion was lost: Yeas, 37; nays, 82.

## YEAS.

Messrs. Altman,  
Bartlett,  
Beavers,  
Bethune,  
Burns,  
Byars,  
Carmichael (Coffee),  
Chapman,  
Cobb,  
Cofer,  
Fitts,  
Fletcher,  
Foshee,  
Foster,  
Freeman,  
Harrison,  
Henderson,  
Hinson,  
Howze,

Inge,  
Knight,  
Macdonald,  
Martin,  
Moody,  
Murphree,  
Phillips,  
Pitts,  
Proctor,  
Samford,  
Searcy,  
Spears,  
Studdard,  
Tayloe,  
Vaughan,  
Walker,  
Whiteside,  
Williams (Barbour)—37.

## NAYS.

Messrs. President,  
Almon,  
Ashcraft,  
Banks,  
Barefield,  
Beddow,  
Blackwell,  
Boone,  
Brooks,  
Bulger,  
Burnett,  
Carmichael (Colbert),

Coleman (Greene),  
Davis (Etowah),  
Dent,  
Eley,  
Eyster,  
Espy,  
Ferguson,  
Gilmore,  
Glover,  
Graham (Montgomery),  
Graham (Talladega),  
Grant,

Grayson,  
 Greer (Calhoun),  
**Greer (Perry),**  
 Handley,  
 Heflin (Chambers),  
 Heflin (Randolph),  
 Hodges,  
 Hood,  
 Howell,  
 Jackson,  
 Jenkins,  
 Jones (Bibb),  
 Jones (Wilcox),  
 Kirk,  
 Kyle,  
 Locklin,  
 Lomax,  
 Long (Walker),  
 Lowe (Jefferson),  
 Lowe (Lawrence),  
 McMillan (Baldwin),  
 Malone,  
 Maxwell,  
 Merrill,  
 Miller (Wilcox),  
 Mulkey,  
 NeSmith,  
 Norman,

Norwood,  
 O'Neal (Lauderdale),  
 O'Neill, (Jefferson),  
 Opp,  
 O'Rear,  
 Parker (Cullman),  
 Parker (Elmore),  
 Pettus,  
 Pillans,  
 Reese,  
 Reynolds (Chilton),  
 Rogers (Lowndes),  
 Sanders,  
 Selheimer,  
 Sentell,  
 Sloan,  
 Smith (Mobile),  
 Smith, Mac. A.  
 Smith, Morgan M.,  
 Spragins,  
 Thompson,  
 Waddell,  
 Watts,  
 Weakley,  
 White,  
 Wilson (Clarke),  
 Wilson (Washington),  
 Winn—81.

#### PAIRS ANNOUNCED.

The following pairs were announced :

Messrs. McMillan of Wilcox and Palmer, Carnation and Sorrell, Robinson and Cunningham. Messrs. McMillan of Wilcox, Carnation and Robinson would vote aye; and Messrs. Palmer, Sorrell and Cunningham would vote nay.

The question recurred upon the adoption of Section 12 as amended.

Section 12, as amended, was, on motion of Mr. Graham of Talladega, adopted.

## ADJOURNMENT.

On motion of Mr. Barefield the Convention adjourned until 9 o'clock to-morrow morning.

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## SEVENTY-THIRD DAY.

## CONVENTION HALL.

Montgomery, Ala., Friday, August 16, 1901.

The Convention met pursuant to adjournment.

Prayer was offered by Rev. Mr. Andrews of the city.

## ROLL CALL.

On a call of the roll of the Convention the following delegates answered to their names, which constituted a quorum:

Messrs. President,	Carmichael (Colbert),
Almon,	Carmichael (Coffee),
Altman,	Chapman,
Ashcraft,	Cobb,
Banks,	Cofer,
Barefield,	Coleman (Greene),
Bartlett,	Cornwell,
Beavers,	Craig,
Beddow,	Cunningham,
Bethune,	Davis (DeKalb),
Blackwell,	Davis (Etowah),
Boone,	Dent,
Brooks,	Duke,
Browne,	Eley,
Bulger,	Eyster,
Burnett,	Ferguson,
Burns,	Fitts,
Byars,	Fletcher,

Foshee,  
 Foster,  
 Freeman,  
 Glover,  
 Graham (Montgomery),  
 Graham (Talladega),  
 Grant,  
 Grayson,  
 Greer (Calhoun),  
 Greer (Perry),  
 Haley,  
 Handley,  
 Harrison,  
 Heflin (Chambers),  
 Heflin (Randolph),  
 Henderson,  
 Hinson,  
 Hodges,  
 Hood,  
 Howell,  
 Howze,  
 Inge,  
 Jackson,  
 Jenkins,  
 Jones (Bibb),  
 Jones (Montgomery),  
 Jones (Wilcox),  
 Kirk,  
 Knight,  
 Kyle,  
 Locklin,  
 Lomax,  
 Long (Walker),  
 Lowe (Lawrence),  
 Macdonald,  
 Malone,  
 Martin,  
 Maxwell,  
 Merrill,

Mulkey,  
 Murphree,  
 NeSmith,  
 Norman,  
 Norwood,  
 Oates,  
 O'Neill (Jefferson),  
 O'Rear,  
 Palmer,  
 Parker (Cullman),  
 Parker (Elmore),  
 Pettus,  
 Phillips,  
 Pillans,  
 Pitts,  
 Proctor,  
 Reese,  
 Reynolds (Chilton),  
 Rogers (Lowndes),  
 Samford,  
 Sanders,  
 Sanford,  
 Searcy,  
 Selheimer,  
 Sentell,  
 Sloan,  
 Smith (Mobile),  
 Smith, Mac. A.  
 Smith, Morgan M.,  
 Sorrell,  
 Spears,  
 Spragins,  
 Stewart,  
 Studdard,  
 Tayloe,  
 Thompson,  
 Vaughan,  
 Waddell,  
 Walker,

Watts,  
Weakley,  
Weatherly,  
White,  
Whiteside,

Williams (Barbour),  
Wilson (Clarke),  
Wilson (Washington)  
Winn—124.

#### LEAVE OF ABSENCE.

Was granted to Messrs. Reynolds of Henry for to-day and to-morrow; Espy for to-day and to-morrow; Cardon for to-day, Saturday and Monday; Kirkland indefinitely.

#### REPORT OF COMMITTEE ON JOURNAL.

The chairman of the Committee on the Journal submitted the following report, which was concurred in:

The Committee on the Journal beg leave to report that they have examined the Journal for seventy-second day of the Convention, and that the same is correct.

Respectfully submitted,

JOHN F. PROCTOR, *Chairman.*

#### RESOLUTIONS ON FIRST READING.

The following resolutions were introduced, severally read one time at length, and referred to appropriate committees as follows:

Resolution 304, by Mr. Coleman, of Greene:

Resolved, That the Article on Judiciary may be taken from the table, and when taken from the table that Section 28 thereof may be amended, revised or stricken out.

The resolution was referred to the Committee on Rules.

Resolution 305, by Mr. Burns:

Resolved, That the expenses of this Convention should be reduced, and that a recess of ten days without any pay except mileage should be taken, in order that the Committee on Harmony may make a complete report.

The resolution was referred to the Committee on Rules.

**Resolution 306, by Mr. Lomax:**

**Resolved, That ordinance 429, in reference to quadriennial sessions of the Legislature be and the same is hereby withdrawn from the Committee on Legislative Department and that the said ordinance with the views of the minority of the committee thereon be printed and placed on the calendar.**

The resolution was referred to the Committee on Rules.

**Resolution 307, by Mr. President:**

**Resolved, That the privileges of the floor be and they are hereby extended to Hon. G. W. Taylor, member of Congress for the First district; and to Hon. Oscar W. Underwood, member of Congress for the Ninth district of this State.**

The resolution was adopted.

**Resolution 308, by Mr. Opp:**

**Resolved, That the privileges of the floor be extended to Hon. D. M. Powell, Senator from the Seventeenth district.**

The resolution was adopted.

**Resolution 309, by Mr. Kirk:**

**Whereas, Two of our colleagues, Messrs. A. H. Carmichael and M. S. Carmichael are under serious affliction by the loss of their brother; therefore be it**

**Resolved, That the sympathy of this Convention is hereby extended to our brother delegates and to the family of the deceased.**

**Resolved, That a copy of these resolutions be furnished to each of these delegates and to their father, the Hon. J. M. Carmichael.**

The rules were suspended and the resolution adopted by a rising vote.

#### ORDINANCES ON FIRST READING.

The following ordinances were introduced, severally read one time at length, and referred to appropriate committees as follows:

**Ordinance 456, by Mr. Cofer:**

To authorize and require the Governor, State Auditor and State Treasurer to set apart certain sums of money of the State funds for the purpose of paying off and discharging the bonded indebtedness of the State.

The ordinance was referred to the Committee on Taxation.

#### RECOMMITTAL OF ORDINANCE.

On motion of Mr. Jones of Montgomery ordinance 415: "For the relief of E. L. May," was referred to the Committee on Schedule, Printing and Incidental Expenses.

#### ARTICLE ON JUDICIARY.

Mr. Vaughan moved that the Article on Judiciary be taken from the table and placed upon its immediate passage.

Mr. Smith of Mobile moved to make the motion of Mr. Vaughan a special order for 11 o'clock to-day.

Mr. Coleman of Greene moved to amend the motion of Mr. Smith of Mobile by making it 4 o'clock this afternoon.

The amendment of Mr. Coleman of Greene was lost: Yeas, 55; nays, 60.

#### YEAS.

Messrs. President,	Eley,
Almon,	Eyster,
Barefield,	Ferguson,
Beavers,	Foster,
Brooks,	Glover,
Browne,	Grant,
Burnett,	Grayson,
Burns,	Greer (Calhoun),
Carmichael (Colbert),	Greer (Perry),
Carmichael (Coffee),	Handley,
Cobb,	Harrison,
Coleman (Greene),	Heflin (Chambers),
Duke,	Heflin (Randolph),

Hinson,  
Howze,  
Inge,  
Jackson,  
Jenkins,  
Jones (Montgomery),  
Jones (Wilcox),  
Kirk,  
Locklin,  
Lomax,  
Long (Walker),  
Lowe (Jefferson),  
Macdonald,  
Martin,  
Norwood,

O'Neal (Lauderdale),  
O'Neill, (Jefferson),  
Opp,  
O'Rear,  
Parker (Cullman),  
Reese,  
Rogers (Lowndes),  
Sanford,  
Searcy,  
Selheimer,  
Sentell,  
Smith, Morgan M.,  
Williams (Barbour).  
Wilson (Clarke)—55.

NAYS.

Messrs. Altman,  
Ashcraft,  
Banks,  
Beddow,  
Bethune,  
Blackwell,  
Boone,  
Bulger,  
Byars,  
Cofer,  
Cornwell,  
Craig,  
Cunningham,  
Davis (DeKalb),  
Davis (Etowah),  
Dent,  
Fletcher,  
Foshee,  
Freeman,  
Graham (Montgomery),  
Graham (Talladega),  
Hodges,  
Hood,

Howell,  
Jones, (Bibb),  
Kyle,  
Lowe (Lawrence),  
McMillan (Baldwin),  
Malone,  
Maxwell,  
Merrill,  
Miller (Wilcox),  
Moody,  
Murphree,  
NeSmith,  
Norman,  
Palmer,  
Parker (Elmore),  
Pettus,  
Phillips,  
Pillans,  
Pitts,  
Reynolds (Chilton),  
Sanders,  
Sloan,  
Smith, Mac. A.



Sorrell,  
Spears.  
Spragins,  
Stewart,  
Studdard,  
Tayloe,  
Thompson,

Vaughan,  
Waddell,  
Walker,  
Watts,  
Weakley,  
White,  
Whiteside—60.

#### PAIRS ANNOUNCED.

The following pairs were announced:

Messrs. Carnathon and Chapman, deGraffenried and Fitts, Knight and Miller of Marengo, Coleman of Walker and Mulkey, Proctor and Porter, Williams of Marengo and Smith of Mobile, Williams of Elmore and McMillan of Wilcox, Wilson of Washington and Henderson, Winn and Jones of Hale, Weatherly and Oates. Messrs. Carnathon, deGraffenried, Knight, Coleman of Walker, Proctor, Williams of Marengo, Williams of Elmore, Wilson of Washington, Winn and Weatherly would vote aye; and Messrs. Chapman, Fitts, Miller of Marengo, Mulkey, Porter, Smith of Mobile, McMillan of Wilcox, Henderson, Jones of Hale, and Oates would vote nay.

#### REPORT OF THE COMMITTEE ON SCHEDULE, PRINTING AND INCIDENTAL EXPENSES.

Mr. Heflin of Randolph, chairman of the Committee on Schedule, Printing and Incidental Expenses, submitted the following report, which was read one time at length, laid upon the table, and 300 copies ordered printed:

*Mr. President:*

The Committee on Schedule, Printing and Incidental Expenses have instructed me to make the following partial report, viz.:

The committee has audited the accounts hereto attached and finds that the State of Alabama is indebted to the Ed. C. Fowler Company of Montgomery, Ala., in the sum of \$113.15.

We find that said State is indebted to the Brown Printing Company of Montgomery, Ala., in the sum of \$464.45 for printing.

We find that said State is indebted to J. W. Terry of Montgomery, Ala., in the sum of \$5 for the use of a typewriter from July 24th to August the 24th.

All of the above accounts are for printing done, and for articles furnished to the State of Alabama for the use of the Constitutional Convention, and all of the above accounts are itemized as shown by bills hereto attached. Total amount \$582.60, and we recommend the payment of the same. All of which is respectfully submitted.

JOHN T. HEFLIN,  
Chairman Committee on Schedule, Printing and Incidental Expenses.

#### LEGISLATIVE DEPARTMENT.

Mr. Watts moved to take from the table his amendment to Section 17 of the Article on Legislative Department, and make it a special order for next Tuesday at 11 o'clock.

The motion prevailed.

#### RULES COMMITTEE.

Mr. Sanders moved that the Rules Committee be not allowed to sit during the session of to-day.

Mr. Reese moved to table the motion of Mr. Sanders. The motion was lost.

#### REPORT OF COMMITTEE ON RULES.

Mr. Harrison, acting chairman of the Committee on Rules, reported favorably with a substitute resolution 304.

The substitute was read at length as follows:

Substitute for resolution 304:

Resolved, That when the Article on Judiciary is taken from the table it shall be subject to amendment as though it had never been passed to a third reading.

Mr. White moved to table the substitute for resolution 304, reported by the Committee on Rules.

The motion to table was lost: Yeas, 57; nays, 58.

## YEAS.

Messrs. Altman,  
Ashcraft,  
Banks,  
Bartlett,  
Beddow,  
Bethune,  
Blackwell,  
Boone,  
Brooks,  
Bulger,  
Byars,  
Cofer,  
Craig,  
Cunningham,  
Davis (DeKalb),  
Davis (Etowah),  
Dent,  
Fletcher,  
Foshee,  
Freeman,  
Graham (Talladega),  
Henderson,  
Hodges,  
Hood,  
Howell,  
Jones (Bibb),  
Kyle,  
Lowe (Lawrence),  
McMillan (Baldwin),

Malone,  
Maxwell,  
Merrill,  
Miller (Wilcox),  
Moody,  
Murphree,  
NeSmith,  
Norman,  
Palmer,  
Parker (Elmore),  
Pettus,  
Phillips,  
Pitts,  
Reynolds (Chilton),  
Sanders,  
Sloan,  
Smith, Mac. A.,  
Sorrell,  
Spears,  
Spragins,  
Studdard,  
Tayloe,  
Vaughan,  
Walker,  
Watts,  
Weakley,  
White,  
Whiteside—57.

## NAYS.

Messrs. President,  
Almon,  
Barefield,  
Beavers,  
Browne,  
Burnett,  
Burns,  
Cobb,  
Coleman (Greene),

Duke,  
Eley,  
Evster,  
Ferguson,  
Foster,  
Glover,  
Grant,  
Grayson,  
Greer (Calhoun),

Greer (Perry),  
 Haley,  
 Handley,  
 Harrison,  
 Heflin (Chambers),  
 Heflin (Randolph),  
 Hinson,  
 Howze,  
 Inge,  
 Jackson,  
 Jenkins,  
 Jones (Montgomery),  
 Jones (Wilcox),  
 Kirk,  
 Locklin,  
 Lomax,  
 Long (Walker),  
 Lowe (Jefferson),  
 Macdonald,  
 Martin,

Norwood,  
 O'Neal (Lauderdale),  
 O'Neill, (Jefferson),  
 Opp,  
 O'Rear,  
 Parker (Cullman),  
 Pillans,  
 Reese,  
 Rogers (Lowndes),  
 Samford,  
 Sanford,  
 Searcy,  
 Selheimer,  
 Sentell,  
 Smith, Morgan M.  
 Stewart,  
 Waddell,  
 Williams (Barbour),  
 Wilson (Clarke),  
 Wilson (Washington)—58.

#### PAIRS ANNOUNCED.

Messrs. Chapman and Carnathon, Cornwell and Carmichael of Colbert, Fitts and deGraffenried, Cardon and Graham of Montgomery, Miller of Marengo and Knight, Mulkey and Coleman of Walker, Oates and Weatherly, Porter and Proctor, Smith of Mobile and Williams of Marengo, Thompson and Carmichael of Coffee, McMillan of Wilcox and Williams of Elmore, Jones of Hale and Winn.

Messrs. Chapman, Cornwall, Fitts, Cardon, Miller of Marengo, Thompson and Carmichael of Coffee, McMill-Thompson, McMillan of Wilcox, and Jones of Hale would vote aye; and Messrs. Carnathon, Carmichael of Colbert, deGraffenried, Graham of Montgomery, Knight, Coleman of Walker, Weatherly, Proctor, Williams of Marengo, Carmichael of Coffee, Williams of Elmore, and Winn would vote nay.

The question recurred upon the adoption of the substitute for resolution 304 as reported by the Committee on Rules.

The substitute was adopted: Yeas, 59; nays, 56.

## YEAS.

Messrs. President,  
Almon,  
Barefield,  
Beavers,  
Browne,  
Burnett,  
Burns,  
Case,  
Cofer,  
Coleman (Greene),  
Duke,  
Eley,  
Eyster,  
Ferguson,  
Foster,  
Glover,  
Grant,  
Grayson,  
Greer (Calhoun),  
Greer (Perry),  
Haley,  
Handley,  
Harrison,  
Heflin (Chambers),  
Heflin (Randolph),  
Hinson,  
Howze,  
Inge,  
Jackson,  
Jenkins,

Jones (Montgomery),  
Jones (Wilcox),  
Kirk.  
Locklin,  
Lomax,  
Long (Walker),  
Lowe (Jefferson),  
Macdonald,  
Martin,  
Norwood,  
O'Neal (Lauderdale),  
O'Neill (Jefferson),  
Opp,  
O'Rear,  
Palmer,  
Parker (Cullman),  
Pillans,  
Reese,  
Rogers (Lowndes),  
Samford,  
Sanford,  
Searcy,  
Selheimer,  
Sentell,  
Smith, Morgan M.,  
Stewart,  
Waddell,  
Williams (Barbour),  
Wilson (Clarke)  
Wilson (Washington)—59.

## NAYS.

Messrs. Altman,  
Ashcraft,

Banks,  
Bartlett,

<b>Beddow,</b>	<b>Maxwell,</b>
<b>Bethune,</b>	<b>Merrill,</b>
<b>Blackwell,</b>	<b>Miller (Wilcox),</b>
<b>Boone,</b>	<b>Moody,</b>
<b>Brooks,</b>	<b>Murphree,</b>
<b>Bulger,</b>	<b>NeSmith,</b>
<b>Byars,</b>	<b>Norman,</b>
<b>Cobb,</b>	<b>Parker (Elmore),</b>
<b>Craig,</b>	<b>Pettus,</b>
<b>Cunningham,</b>	<b>Phillips,</b>
<b>Davis (DeKalb),</b>	<b>Pitts,</b>
<b>Davis (Etowah),</b>	<b>Reynolds (Chilton),</b>
<b>Dent,</b>	<b>Sanders,</b>
<b>Fletcher,</b>	<b>Sloan,</b>
<b>Foshee,</b>	<b>Smith, Mac. A.,</b>
<b>Freeman,</b>	<b>Sorrell,</b>
<b>Graham (Talladega),</b>	<b>Spears,</b>
<b>Henderson,</b>	<b>Spragins,</b>
<b>Hodges,</b>	<b>Studdard,</b>
<b>Hood,</b>	<b>Tayloe,</b>
<b>Howell,</b>	<b>Vaughan,</b>
<b>Jones (Bibb),</b>	<b>Walker,</b>
<b>Kyle,</b>	<b>Watts,</b>
<b>Lowe (Lawrence),</b>	<b>Weakley,</b>
<b>McMillan (Baldwin),</b>	<b>White,</b>
<b>Malone,</b>	<b>Whiteside—56.</b>

PAIRS ANNOUNCED.

The following pairs were announced :

Messrs. Carnathon and Chapman, deGraffenried and Fitts, Graham of Montgomery and Cardon, Knights and Miller of Marengo, Coleman of Walker and Mulkey, Weatherly and Oates, Proctor and Porter, Williams of Marengo and Smith of Mobile, Carmichael of Coffee and Thompson, Williams of Elmore and McMillan of Wilcox, Winn and Jones of Hale.

Messrs. Carnathon, deGraffenried, Graham of Montgomery, Knight, Coleman of Walker, Weatherly, Proctor, Williams of Marengo, Carmichael of Coffee, Williams of Elmore and Winn would vote aye; and Messrs.

Chapman, Fitts, Cardon, Miller of Marengo, Mulkey, Oates, Porter, Smith of Mobile, Thompson, McMillan of Wilcox, and Jones of Hale would vote nay.

The question recurred upon the motion of Mr. Vaughan to take from the table the Article on Judicial Department.

The motion prevailed.

Mr. Watts moved that the Article on the Judiciary Department be ordered to a third reading for adoption.

Mr. Reese moved to table the motion of Mr. Watts.

The motion to table prevailed: Yeas, 59; nays, 51.

#### YEAS.

Messrs. President,  
Almon,  
Barefield,  
Beavers,  
Browne,  
Burnett,  
Burns,  
Cobb,  
Coleman (Greene),  
Duke,  
Eley,  
Eyster,  
Ferguson,  
Foster,  
Glover,  
Grant,  
Grayson,  
Greer (Calhoun),  
Greer (Perry),  
Haley,  
Handley,  
Harrison,  
Heflin (Chambers),  
Heflin (Randolph),  
Hinson,  
Howze,  
Inge,

Jackson,  
Jenkins,  
Jones (Montgomery),  
Jones (Wilcox),  
Kirk,  
Locklin,  
Lomax,  
Long (Walker),  
Lowe (Jefferson),  
Macdonald,  
Martin,  
Norwood,  
O'Neal (Lauderdale),  
O'Neill (Jefferson),  
Opp,  
O'Rear,  
Palmer,  
Parker (Cullman),  
Pillans,  
Pitts,  
Reese,  
Rogers (Lowndes),  
Samford,  
Sanders,  
Searcy,  
Selheimer,  
Sentell,

Smith, Morgan M.,  
Stewart,  
Williams (Barbour),

Wilson (Clarke).  
Wilson (Washington)—59.

NAYS.

Messrs. Altman,  
Ashcraft,  
Banks,  
Bartlett,  
Beddow,  
Bethune,  
Blackwell,  
Boone,  
Brooks,  
Bulger,  
Byars,  
Cofer,  
Craig,  
Cunningham,  
Davis (DeKalb),  
Davis (Etowah),  
Dent,  
Fletcher,  
Foshee,  
Freeman,  
Graham (Talladega),  
Henderson,  
Hodges,  
Hood,  
Howell,  
Jones (Bibb),  
Kyle,  
Lowe (Lawrence),  
McMillan (Baldwin),

Malone,  
Maxwell,  
Merrill,  
Miller (Wilcox)  
Moody,  
Murphree,  
NeSmith,  
Norman,  
Parker (Elmore),  
Pettus,  
Phillips,  
Reynolds (Chilton),  
Sanders,  
Sloan,  
Smith, Mac. A.,  
Sorrell,  
Spears,  
Spragins,  
Studdard,  
Tayloe,  
Thompson,  
Vaughan,  
Waddell,  
Walker,  
Watts,  
Weakley,  
White,  
Whiteside—57.

PAIRS ANNOUNCED.

The following pairs were announced :

Messrs. Carnathon and Chapman, deGraffenried and Fitts, Graham of Montgomery and Cardon, Knight and Miller of Marengo, Weatherly and Oates, Proctor and Porter, Williams of Marengo and Smith of Mobile, Winn and Jones of Hale.



Messrs. Carnathon, deGraffenried, Graham of Montgomery, Knight, Weatherly, Proctor, Williams of Marengo, and Winn would vote aye; and Messrs. Chapman, Fitts, Cardon, Miller of Marengo, Oates, Porter, Smith of Mobile, and Jones of Hale would vote nay.

Mr. Coleman of Greene offered the following substitute for Section 28 of the Article on the Judicial Department.

Sec. 28. A solicitor for each judicial circuit prescribed by the Legislature, shall be elected by the qualified electors of such circuit, who shall be learned in the law, and who shall, at the time of his election, and during his continuance in office, reside in the circuit for which he is elected, and whose term of office shall be four years, and who shall receive no other compensation than a salary to be prescribed by law, which shall not be increased during the term for which he was elected; provided, that this article shall not operate to abridge the term of any Solicitor elected now in office, and, provided further, that the Solicitor elected in the year 1904 shall hold office for six years, and until their successors are elected and qualified; and provided further, that the Legislature may provide by law for the appointment by the Governor or the election by the qualified electors of a county of a Solicitor for any county, or for any subdivision of a county.

Mr. Walker offered the following substitute for the substitute offered by Mr. Coleman of Greene and Section 28 of the Article on Judicial Department:

Sec. 28. A Solicitor for each Judicial circuit, or other territorial subdivision prescribed by the Legislature, shall be elected by the qualified electors of such circuit or other territorial subdivision, who shall be learned in the law, and who shall, at the time of his election, and during his continuance in office, reside in the circuit or other territorial subdivision for which he is elected, and whose term of office shall be four years, and who shall receive no other compensation than a salary to be prescribed by law, which shall not be increased during the term for which he was elected; provided, that this article shall not operate to abridge the term of any

Solicitor elected now in office, and, provided further, that the Solicitors elected in the year 1904 shall hold office for six years, and until their successors are elected and qualified; and provided further, that the Legislature may provide by law for the appointment by the Governor or the election by the qualified electors of a county of a Solicitor for any county.

Mr. Coleman of Greene asked unanimous consent to accept the substitute offered by Mr. Walker.

Consent was granted, and the substitute was accepted.

Mr. Wilson of Washington offered the following amendment to the substitute offered by Mr. Walker, which was adopted by unanimous consent:

Amend by striking out the words "reside in the circuit" and insert in lieu thereof the words "reside in a county in the circuit in which he prosecutes criminal cases."

Mr. Lomax offered the following substitute for the substitute offered by Mr. Walker:

A Solicitor for each Judicial Circuit and for such inferior courts and lesser subdivisions of the State as may be provided, shall be elected in such manner and for such terms and at such salaries as the Legislature may by law prescribe; provided that this section shall not affect the term of any Solicitor now in office.

Mr. Graham of Talladega moved to table the substitute offered by Mr. Lomax.

The motion prevailed and the substitute offered by Mr. Lomax was laid upon the table.

The question recurred upon the adoption of the substitute offered by Mr. Walker.

The substitute was adopted.

On motion of Mr. Hood the Article on Judicial Department was again ordered engrossed for a third reading and adoption.

#### RECESS.

The hour of 1 o'clock p. m. having arrived, under the rules the Convention recessed until 3:30 o'clock this afternoon.

## AFTERNOON SESSION.

The Convention met pursuant to adjournment.

## ROLL CALL.

On a call of the roll of the Convention the following delegates answered to their names, which constituted a quorum:

<b>Messrs. President,</b>	Graham (Talladega),
<b>Almol,</b>	Grant,
<b>Altman,</b>	Grayson,
<b>Ashcraft,</b>	Greer (Calhoun),
<b>Banks,</b>	Greer (Perry),
<b>Barefield,</b>	Haley,
<b>Bartlett,</b>	Handley,
<b>Beavers,</b>	Harrison,
<b>Beddow,</b>	Heflin (Randolph),
<b>Bethune,</b>	Henderson,
<b>Blackwell,</b>	Hodges,
<b>Boone,</b>	Hood,
<b>Brooks,</b>	Howell,
<b>Bulger,</b>	Howze,
<b>Burns,</b>	Inge,
<b>Byars,</b>	Jackson,
<b>Chapman.</b>	Jenkins,
<b>Cobb,</b>	Jones, (Bibb),
<b>Craig,</b>	Jones (Montgomery),
<b>Cunningham,</b>	Jones (Wilcox),
<b>Davis (DeKalb),</b>	Kirk,
<b>Davis (Etowah),</b>	Knight,
<b>Dent,</b>	Kyle,
<b>Duke,</b>	Lowe (Lawrence),
<b>Eley,</b>	Macdonald,
<b>Evster,</b>	McMillan (Baldwin),
<b>Fitts,</b>	Malone,
<b>Fletcher,</b>	Martin,
<b>Foster,</b>	Maxwell,
<b>Freeman,</b>	Merrill,
<b>Glover,</b>	Miller (Marengo),

Miller (Wilcox),	Sentell,
Moody,	Sloan,
Murphree,	Smith (Mobile),
NeSmith,	Smith, Mac. A.,
Norman,	Smith, Morgan M.
Norwood,	Sorrell,
Opp,	Spears,
O'Rear,	Spragins,
Palmer,	Stewart,
Parker (Cullman),	Studdard,
Pettus,	Tayloe,
Phillips,	Thompson,
Pillans,	Waddell,
Pitts,	Walker,
Reese,	Weakley,
Rogers (Lowndes),	White,
Samford,	Whiteside,
Sanders,	Williams (Barbour),
Sanford,	Williams (Elmore),
Searcy,	Wilson (Clarke).
Selheimer,	Winn—104.

## REPORT OF COMMITTEE ON ENGROSSMENT.

Mr. Samford, chairman of the Committee on Engrossment, submitted the following report, which was concurred in:

*Mr. President:*

Your Committee on Engrossment beg leave to report that they have examined and compared the following ordinances, to-wit: Ordinance No. 404, and ordinance on Impeachment, and find them correct.

WM. H. SAMFORD,  
Chairman Committee on Engrossment.

## ARTICLE ON THIRD READING.

The Article on Impeachments was read a third time at length, as follows, and adopted: Yeas, 95; nays, 6.

## AN ORDINANCE.

Be it ordained by the people of Alabama in Convention assembled, that Article VII of the Constitution be stricken out, and the following article inserted in lieu thereof:

## ARTICLE VII.

## IMPEACHMENTS.

Section 1. The Governor, Lieutenant Governor, Secretary of State, Auditor, Treasurer, Attorney General, Superintendent of Education, Commissioner of Agriculture and Industries, and Judges of the Supreme Court may be removed from office for willful neglect of duty, corruption in office, incompetency, or intemperance in the use of intoxicating liquors or narcotics to such an extent, in view of the dignity of the office and importance of its duties, as unfits the officers for the discharge of such duties, or for any offense involving moral turpitude while in office, or committed under color thereof or connected therewith by the Senate sitting as a court for that purpose, under oath or affirmation on articles or charges preferred by the House of Representatives.

Sec. 2. The Chancellors, Judges of the Circuit Court, Judges of the Probate Court, Sheriffs, Solicitors of the Circuits and Judges of the inferior courts, from which an appeal may be taken directly to the Supreme Court, may be removed from office for any of the causes specified in the preceding section, by the Supreme Court, under such regulations as may be prescribed by law.

Sec. 3. The Clerks of the Circuit or courts of like jurisdiction, of Criminal Courts, Tax Collectors, Tax Assessors, County Treasurers, County Superintendents of Education, Coroners, Justices of the Peace, Notaries Public, Constables, and all other county officers, Mayors, Intendents and all other officers of incorporated cities and towns in this State may be removed from office for any of the causes specified in

Section 1 of this article, by the Circuit or other Courts of like jurisdiction, or Criminal Court of the county in which such officers hold their office, under such regulations as may be prescribed by law; provided, that the right of trial by jury and appeal in such cases be secured.

Sec. 4. The penalties in cases arising under the three preceding sections shall not extend beyond removal from office, and disqualifications from holding office, under the authority of this State, for the term for which he was elected or appointed; but the accused shall be liable to indictment and punishment as prescribed by law.

## YEAS.

Messrs. President,	Glover,
Almon,	Graham (Talladega),
Altman,	Grant,
Ashcraft,	Grayson,
Banks,	Greer (Calhoun),
Barefield,	Greer (Perry),
Beavers,	Haley,
Beddow,	Handley,
Bethune,	Harrison,
Blackwell,	Heflin (Randolph),
Boone,	Henderson,
Brooks,	Hodges,
Bulger,	Hood,
Burns,	Howell,
Chapman,	Howze,
Cobb,	Inge,
Craig,	Jackson,
Cunningham,	Jenkins,
Davis (Etowah),	Jones (Bibb),
Duke,	Jones (Montgomery),
Eley,	Kirk,
Ferguson,	Knight,
Fitts,	Kyle,
Fletcher,	Lowe (Lawrence),
Foster,	Macdonald,

McMillan (Baldwin),	Searcy,
Malone,	Selheimer,
Martin,	Sentell,
Maxwell,	Smith (Mobile),
Merrill,	Smith, Mac. A.,
Miller (Wilcox),	Smith, Morgan M.,
Moody,	Sorrell,
Murphree,	Spears,
NeSmith,	Spragins,
Norman,	Stewart,
Norwood,	Tayloe,
Oates,	Vaughan,
Opp,	Waddell,
O'Rear,	Walker,
Palmer,	Watts,
Parker (Cullman),	Weakley,
Pettus,	White,
Pillans,	Williams (Barbour),
Pitts,	Williams (Elmore),
Reese,	Wilson (Clarke),
Samford,	Wilson (Washington).
Sanders,	Winn—95.
Sanford,	

## NAYS.

Messrs. Bartlett,	Phillips,
Ryars,	Studdard,
Freeman,	Thompson—6.

## ORDINANCE 404.

The ordinance 404: "To amend a part of Section 28 of the Article VI adopted by the Convention, which is reported in the foregoing report of the Committee on Engrossment, was referred to the Committee on Order, Consistency and Harmony of the Whole Constitution.

## UNFINISHED BUSINESS.

The Convention proceeded to the consideration of the unfinished business, which was the report of the Committee on Education.

## SECTION THIRTEEN.

Was read at length as follows:

Sec. 13. The provisions of this article and of any act of the General Assembly passed in pursuance thereof to establish, organize and maintain a system of public schools throughout the State, shall apply to Mobile county only so far as to authorize and require the authorities designated by law to draw the portions of the funds to which said county shall be entitled for school purposes, and to make reports to the Superintendent of Education as may be prescribed by law. And all special incomes and powers of taxation, as now authorized by law for the benefit of public schools in said county, shall remain undisturbed until otherwise provided by the General Assembly; provided, that separate schools for each race shall always be maintained by said school authorities.

Mr. Greer of Calhoun offered the following amendment to Section 13:

Amend Section 13 of Article on Education by adding at end of section to-wit: "Provided that Calhoun county shall possess and enjoy same privileges as are now enjoyed by Mobile county, and that said special incomes and powers of taxation for public schools shall remain undisturbed until otherwise provided by the General Assembly; provided, that separate schools for each race shall always be maintained by said school authorities."

On motion of Mr. Reese the amendment offered by Mr. Greer of Calhoun was laid upon the table.

On motion of Mr. Graham of Talladega Section 13 was adopted. Yeas, 85; nays, 26.

## YEAS.

Messrs. President,  
Almon,  
Altman,  
Ashcraft,  
Banks,  
Barefield,

Beavers,  
Bethune,  
Blackwell,  
Boone,  
Brooks,  
Bulger,



Chapman,  
Cobb,  
Coleman (Greene),  
Craig,  
Cunningham,  
Davis, (Etowah),  
Dent,  
Eyster,  
Fitts,  
Foster,  
Glover,  
Graham (Montgomery),  
Graham (Talladega),  
Grant,  
Greer (Perry),  
Haley,  
Handley,  
Howze,  
Inge,  
Jenkins,  
Jones (Bibb),  
Jones (Montgomery),  
Jones (Wilcox),  
Kirk,  
Knight,  
Locklin,  
Lomax,  
Long (Walker),  
Lowe (Jefferson),  
Macdonald,  
McMillan (Baldwin),  
Malone,  
Martin,  
Maxwell,  
Merrill,  
Miller (Wilcox),  
Murphree,

NeSmith,  
Norman,  
Norwood,  
Oates,  
Opp,  
O'Rear,  
Palmer,  
Parker (Cullman),  
Parker (Elmore),  
Pettus,  
Pillans,  
Pitts,  
Proctor,  
Reese,  
Rogers (Lowndes),  
Samford,  
Sanders,  
Sanford,  
Searcy,  
Selheimer,  
Smith (Mobile),  
Smith, Mac. A.,  
Smith, Morgan M.,  
Stewart,  
Tayloe,  
Thompson,  
Vaughan,  
Walker,  
Watts,  
Weakley,  
Whiteside,  
Williams (Barbour),  
Williams (Elmore),  
Wilson (Clarke),  
Wilson (Washington),  
Winn—85.

NAYS.

Messrs. Bartlett,	Hodges,
Beddow,	Jackson,
Byars,	Kyle,
Davis (DeKalb),	Lowe (Lawrence),
Duke,	Moody,
Eley,	O'Neill (Jefferson),
Fletcher,	Sentell,
Freeman,	Sorrell,
Grayson,	Spears,
Greer (Calhoun),	Spragins,
Harrison,	Stewart,
Heflin (Randolph),	Studdard,
Henderson,	Waddell—27.

PAIRS ANNOUNCED.

The following pairs were announced :

Messrs. Miller of Marengo and O'Neal of Lauderdale, Williams of Marengo and White. Messrs. Miller of Marengo and Williams of Marengo would vote aye; and Messrs. O'Neal of Lauderdale and White would vote nay.

Mr. Lomax offered the following amendment, to constitute a new section to the Article on Education :

Sec. —. After the ratification of this Constitution there shall be paid out of the Treasury of this State at the time and in the manner provided by law, the sum of not less than \$36,000 per annum as interest on the funds of the University of Alabama heretofore covered into the Treasury for the maintenance and support of said institution; provided, that the Trustees of said University may, at any time they deem it proper for the best interests of said University, abolish the military system at said institution or reduce the said system to a department of instruction, and that such action on the part of said Trustees shall not cause any diminution of the amount of the annual interest payable out of the Treasury for the support and maintenance of said University.

Mr. Sanford offered the following amendment to the amendment offered by Mr. Lomax, which was adopted.

Amend by striking out the words "the Trustees of the University" and insert in lieu thereof the words "the Legislature" shall have the power.

The question recurred upon the adoption of the amendment of Mr. Lomax as amended.

The amendment, as amended, was adopted: Yeas, 77; nays, 25.

## YEAS.

Messrs. President,	Howell,
Almon,	Jenkins,
Barefield,	Jones (Montgomery),
Beddow,	Jones (Wilcox),
Blackwell,	Kirk,
Boone,	Knight,
Brooks,	Lomax,
Burnett,	Lowe (Jefferson),
Burns,	Macdonald,
Coleman (Greene),	McMillan (Baldwin),
Cunningham,	Malone,
Davis (Etowah),	Maxwell,
Eley,	Merrill,
Eyster,	Miller (Wilcox),
Ferguson,	Murphree,
Fitts,	NeSmith,
Fletcher,	Norman,
Foster,	Norwood,
Glover,	O'Neal (Lauderdale),
Graham (Montgomery),	O'Neill (Jefferson),
Grant,	Opp,
Grayson,	O'Rear,
Greer (Calhoun),	Palmer,
Greer (Perry),	Parker (Cullman),
Handley,	Parker (Elmore),
Heflin (Chambers),	Pettus,
Heflin (Randolph),	Pillans,
Henderson,	Pitts,
Hodges,	Reese,
Hood,	Rogers (Lowndes),

Samford,  
Sanders,  
Sanford,  
Searcy,  
Selheimer,  
Smith (Mobile),  
Spragins,  
Stewart,  
Studdard,

Thompson,  
Waddell,  
Watts,  
Weakley,  
White,  
Williams (Elmore),  
Wilson (Clarke),  
Wilson (Washington)—77.

NAYS.

Messrs. Altman,  
Bartlett,  
Bethune,  
Byars,  
Chapman,  
Cobb,  
Cofer,  
Dent,  
Haley,  
Harrison,  
Howze,  
Inge,  
Jones (Bibb),

Kyle,  
Locklin,  
Long (Walker),  
Moody,  
Oates,  
Phillips,  
Smith, Mac. A.,  
Spears,  
Walker,  
Whiteside,  
Williams (Barbour),  
Wilson (Washington)—25.

Mr. Cofer offered the following amendment, to constitute a new section to the Article on Education :

Sec. — Be it further enacted that all appropriations made by the State to the University shall be credited in favor of the State upon the indebtedness of the State, as heretofore fixed, and ascertained by an act of the General Assembly of Alabama; and the interest now paid by the State upon such indebtedness shall be reduced in proportion to the amount paid by such appropriations.

On motion of Mr. Graham of Talladega the amendment of Mr. Cofer was laid upon the table.

Mr. White offered the following amendment, to constitute a new section, to the Article on Education :

Amend by adding a new section :

Sec. 15. All funds derived from licensing the sale of vinous, spirituous or malt liquors shall be applied exclusively to the support of the public schools in the counties wherein the same is collected.

On motion of Mr. Long of Walker the amendment offered by Mr. White was laid upon the table.

Mr. Samford offered the following amendment, to constitute a new section to the Article on Education:

Sec. —. The revenues derived from the sale of fertilizer tags, in excess of 10 cents per ton, shall be appropriated to the maintenance of the public schools in the counties in which such fertilizer is used, in proportion to the amount of such fertilizer used in each county.

On motion of Mr. Long of Walker the amendment was laid upon the table.

On motion of Mr. Graham of Talladega, the Article on Education was ordered engrossed for a third reading and adoption.

#### ADJOURNMENT.

On motion of Mr. Graham of Talladega the Convention adjourned until to-morrow morning at 9 o'clock.

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### SEVENTY-FOURTH DAY.

#### CONVENTION HALL.

Montgomery, Ala., Saturday, August 17, 1901.

The Convention met pursuant to adjournment.  
Prayer was offered by Rev. A. L. Andrews of the city.

#### ROLL CALL.

On a call of the roll of the Convention the following delegates answered to their names, which constituted a quorum:

Messrs. President,	Haley,
Almon,	Handley,
Altman,	Harrison,
Ashcraft,	Hefin (Chambers),
Banks,	Hefin (Randolph),
Barefield,	Henderson,
Beavers,	Hodges,
Beddow,	Hood,
Bethune,	Howell,
Blackwell,	Howze,
Boone,	Inge,
Brooks,	Jackson,
Browne,	Jenkins,
Bulger,	Jones (Bibb),
Burns,	Jones (Montgomery),
Byars,	Jones (Wilcox),
Chapman,	Knight,
Cobb,	Kyle,
Cofer,	Lomax,
Coleman (Greene),	Lowe (Jefferson),
Craig,	Lowe (Lawrence),
Davis (DeKalb),	Macdonald,
Davis (Etowah),	McMillan (Baldwin),
Dent,	Malone,
Duke,	Martin,
Eley,	Maxwell,
Eyster,	Merrill,
Ferguson,	Miller (Marengo),
Fletcher,	Miller (Wilcox),
Foster,	Murphree,
Freeman,	NeSmith,
Glover,	Norman,
Graham (Montgomery),	Oates,
Graham (Talladega),	O'Neal (Lauderdale),
Grant,	Opp,
Grayson,	O'Rear,
Greer (Calhoun),	Palmer,
Greer (Perry),	Parker (Cullman),

Parker (Elmore),  
Pettus,  
Phillips,  
Pillans,  
Pitts,  
Proctor,  
Reese,  
Rogers (Lowndes),  
Samford,  
Sanders,  
Sanford,  
Searcy,  
Selheimer,  
Sentell,  
Smith (Mobile),  
Smith, Mac. A.  
Smith, Morgan M.,

Sorrell,  
Spragins,  
Stewart,  
Tayloe,  
Thompson,  
Vaughan,  
Waddell,  
Walker,  
Watts,  
Weakley,  
White,  
Whiteside,  
Williams (Barbour),  
Williams (Elmore),  
Wilson (Clarke),  
Wilson (Washington),  
Winn—111.

#### LEAVE OF ABSENCE.

Was granted to Messrs. Inge for Monday and Tuesday; Foshee for yesterday, this afternoon and to-day; Hinson for to-day; Coleman of Walker for yesterday and to-day; Eley for this afternoon and Monday; Merrill, Dent, Opp and Sentell for this afternoon; Palmer, Greer of Calhoun, Freeman, Waddell for Monday; Williams of Elmore for next week; Kirk and Smith of Mobile indefinitely; Coleman of Greene indefinitely.

#### STENOGRAPHIC REPORT.

Messrs. Cobb, Graham of Montgomery, Wilson of Washington, Dent, and Sanders called the attention of the Convention to certain errors in the stenographic report of the proceedings of yesterday.

The report was ordered corrected.

## PRIVILEGES OF THE FLOOR.

The privileges of the floor were extended to Dr. Heflin, C. C. Whitson, M. M. Baldwin, H. S. Doster and D. F. Greene.

## REPORT OF COMMITTEE ON THE JOURNAL.

The chairman of the Committee on the Journal submitted the following report, which was concurred in:

The Committee on the Journal beg leave to report that they have examined the Journal for the seventy-third day of the Convention, and that the same is correct.

Respectfully submitted,

JOHN F. PROCTOR, *Chairman.*

## RECOMMITTAL OF ORDINANCE.

Mr. Foster, chairman of the Committee on Amending the Constitution and Miscellaneous Provisions, returned to the Convention ordinance 451.

Ordinance 451, by Mr. Ledbetter:

An ordinance to provide for the establishment of a court house and jail at some point, to be determined by an election by the people, in that portion of Talladega county within the limits of precincts numbered 9, 10, 11, 12 and 13, in said county.

And asked that it be referred to the Committee on State and County Boundaries.

The ordinance was re-referred to the Committee on State and County Boundaries.

## RESOLUTIONS ON FIRST READING.

The following resolutions were introduced, severally read one time at length, and referred to appropriate committees, as follows:

Resolution 310, by Mr. Knight:

Be it resolved that when this Convention adjourns to-day at 1 o'clock that it adjourn until Monday morning at 12 o'clock.

Amendment by Mr. Pillans:



Amend by striking out all after the words "1 o'clock" and insert in lieu thereof the following: "That it adjourn to meet at 3:30 and remain in session until 6 p. m. to-day, and adjourn until Monday at 12 m."

The resolution, as amended, was adopted.

Resolution 311, by Mr. White:

Whereas, It appears that the final adjournment of this Convention is likely to be delayed by the failure of the printer to properly furnish for the use of the Committee on Harmony, printed copies of the articles adopted by this Convention; and

Whereas, It is to the interest of the people of this State that this Convention complete its labors as soon as possible, now therefore

Be it resolved, That the chairman of the Committee on Printing be and he is hereby instructed to interview the printer, and ascertain the cause of the delay, and if, in his opinion the printing can not be done promptly by said printer, then he is hereby authorized to cancel the contract for such printing and to have the same done elsewhere.

The rules were suspended and the resolution adopted.

Resolution 312, by Mr. Burns:

Whereas, Mixed bloods seldom inherit even the impaired virtues of their progenitors, and in every section of our country are always found among the most vicious and vindictive class of citizenship, and

Whereas, This Convention was called for the understanding and for the purpose that white boys of Alabama should not be forced to compete with others, whose only qualification for suffrage lies in their ability to memorize;

Resolved, That the following ordinance be referred to the Committee on Harmony, and that said committee be authorized to embrace it or any portion in the Article on Suffrage and Elections:

Ordinance:

Be it ordained by the people of Alabama in Convention assembled, that all bastards whose disabilities as such have not been removed by the Governor or some Chancellor or Circuit or City Judge, shall not be allowed to register or vote in this State.

The ordinance was referred to the Committee on Order, Consistency and Harmony of the Whole Constitution.

#### ORDINANCES ON FIRST READING.

The following ordinances were introduced, severally read one time at length, and referred to appropriate committees as follows:

Ordinance 457, by Mr. Murphree:

Providing for the support of indigent Confederate soldiers and indigent widows of Confederate soldiers.

The ordinance was referred to the Committee on Legislative Department.

Ordinance 458, by Mr. Parker, of Elmore:

Relating to revoking the licenses or annulling contracts for public school teachers.

The ordinance was referred to the Committee on Education.

#### REPORT OF COMMITTEE ON ENGROSSMENT.

Mr. Samford, chairman of the Committee on Engrossment, submitted the following report:

*Mr. President:*

Your Committee on Engrossment have examined and compared the following ordinance: Ordinance 390, and find it correctly engrossed.

Respectfully submitted,

WM. H. SAMFORD, *Chairman.*

The ordinance (390) was read at length a third time, as follows, and adopted: Yeas, 83; nays, 2.

#### ORDINANCE 390.

An ordinance to provide for the establishment of a court house and jail at some point, to be determined by an election by the people, in that portion of St. Clair which lies south and southeast of Back Bone Mountain, and which is embraced in precincts numbered 9,

10, 11, 12, 13, 14, 15, 16, 17, 19, 20 and 21 in said county. And also to establish a court house and jail for Shelby county at some point on the Central of Georgia Railroad in Shelby county, to be determined by an election by the qualified voters of that portion of Shelby county lying in precincts numbered 8, 9, 10, 11, 13, 14, 15, 16 and 18, in said county.

Be it ordained by the people of Alabama in Convention assembled:

First—That it shall be the duty of the Probate Judge of St. Clair county to order an election to be held in precincts numbered 9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 20 and 21, in St. Clair county, not later than sixty days after the ratification of the Constitution to be submitted by this Convention, for a vote of the qualified electors in said precincts upon the selection of a place within the territory embraced in said precincts, at which a court house and jail shall be erected and maintained. Officers for such election shall be appointed, and the election in all things in accordance with the law governing general elections. Upon the ballot to be used at such election the names of all places to be voted on shall be printed, and the choice of the elector shall be indicated by a cross mark before the place of his choice. The votes cast at such election shall be canvassed, tabulated, returns thereof made, and counted, in the same manner as is done in elections for Sheriff and other county officers. At the place receiving the highest number of votes at such election there shall be erected and maintained a court house and jail for the trial of all cases and the transaction of all legal business originating in said precincts 9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 20 and 21.

The venue of all actions and suits (other than such as are to be tried before Justices of the Peace) in which only residents of that portion of said St. Clair which lies south and southeast of Back Bone mountain are defendants, shall, except as otherwise provided by law,

be at the court house herein provided for; provided, however, that Asheville, in St. Clair county, shall continue to be the county seat of said county until changed by vote of the qualified electors residing in that part of St. Clair county which lies north and northwest of said Back Bone Mountain.

That it shall be the duty of the Judge of Probate of Shelby county to order an election to be held in precincts numbered 8, 9, 10, 11, 13, 14, 15, 16 and 18, in Shelby county, not later than sixty days after the ratification of the Constitution to be submitted by this Convention, for a vote of the qualified electors in said precincts for the selection of a place at which a court house and jail shall be erected and maintained. Officers of said election shall be appointed and the election conducted and the result ascertained in all things as provided by the laws governing general elections so far as the same are applicable. Upon the ballots to be used at said election the names of all places to be voted on shall be printed, and the choice of the elector shall be indicated by a cross mark before the place of his choice. At the place receiving the highest number of votes at such election there shall be erected and maintained a court house and jail for the trial of all causes and the transaction of all legal business originating in said precincts 8, 9, 10, 11, 13, 14, 15, 16 and 18, and the venue in all actions and suits (other than such as are tried before Justices of the Peace) in which only residents of that portion of Shelby county living within said precincts 8, 9, 10, 11, 13, 14, 15, 16 and 18, are defendants shall, except as otherwise provided by law, be at the court house herein provided for; provided, that Columbiana, in Shelby county, shall continue to be the county seat until changed by vote of the qualified electors residing in Shelby county.

Second—The Court of County Commissioners of St. Clair county and the Court of County Commissioners of Shelby county respectively shall at its first regular meeting after the election provided for in Section 1 of this ordinance take all necessary steps and make all necessary orders to issue and sell bonds of St.

Clair county and Shelby county respectively, to the amount of \$10,000, the proceeds to be used only for the erection and equipment of such court house and jail, or to provide by other means a sufficient amount of money to erect a suitable court house and jail at the place which shall have been selected in accordance with said Section 1, and to properly equip and furnish the same with record books and other necessary equipments; provided however, that if said Court of County Commissioners shall levy a tax for such purpose, such tax shall be levied on all taxable property in said county, but all of such tax shall not be levied and collected in one year. And provided further, that such court house and jail for St. Clair county shall be completed in every way and shall be ready for the holding of court and the transaction of legal business on or before the first day of the spring term, 1903, of the Circuit Court of St. Clair county, and such court house and jail for Shelby county shall be completed in every way and be ready for the holding of courts and the transaction of legal business on or before the first day of September, 1903.

Third—The Sheriff, Probate Judge, Circuit Clerk, Register in Chancery, Tax Assessor, Tax Collector, and Superintendent of Education of St. Clair county, shall keep offices in the court house, which shall be built in accordance with the provisions of this ordinance, and said officers for Shelby county shall likewise keep offices in the additional court house, which shall be erected in accordance with the provisions of this ordinance, in the county of Shelby.

Fourth—The General Assembly at its first meeting after the ratification of the Constitution to be submitted to the people by this Convention, shall enact laws regulating the holding of court at the court house or court houses provided for in this ordinance.

Fifth—This ordinance shall be valid and effective if the Constitution which shall be framed by this Convention, be ratified by the people. Otherwise it shall be void.

YEAS.

<b>Messrs. President,</b>	<b>Howell,</b>
<b>Almon,</b>	<b>Howze,</b>
<b>Altman,</b>	<b>Inge,</b>
<b>Ashcraft,</b>	<b>Jackson,</b>
<b>Banks,</b>	<b>Jones (Bibb),</b>
<b>Barefield,</b>	<b>Jones (Montgomery),</b>
<b>Beavers,</b>	<b>Jones (Wilcox),</b>
<b>Beddow,</b>	<b>Knight,</b>
<b>Bethune,</b>	<b>Kyle,</b>
<b>Blackwell,</b>	<b>Lomax,</b>
<b>Boone,</b>	<b>Lowe (Lawrence),</b>
<b>Bulger,</b>	<b>Macdonald,</b>
<b>Furns,</b>	<b>McMillan (Baldwin),</b>
<b>Byars,</b>	<b>Martin,</b>
<b>Chapman,</b>	<b>Miller (Wilcox),</b>
<b>Cobb,</b>	<b>Moody,</b>
<b>Cofer,</b>	<b>Murphree,</b>
<b>Coleman (Greene),</b>	<b>O'Neal (Lauderdale),</b>
<b>Cunningham,</b>	<b>Opp,</b>
<b>Davis (Etowah),</b>	<b>O'Rear,</b>
<b>Dent,</b>	<b>Parker (Cullman),</b>
<b>Duke,</b>	<b>Parker (Elmore),</b>
<b>Eley,</b>	<b>Pettus,</b>
<b>Eyster,</b>	<b>Pillans,</b>
<b>Ferguson,</b>	<b>Pitts,</b>
<b>Fletcher,</b>	<b>Reese,</b>
<b>Freeman,</b>	<b>Rogers (Lowndes),</b>
<b>Glover,</b>	<b>Sanders,</b>
<b>Graham (Talladega),</b>	<b>Sloan,</b>
<b>Grant,</b>	<b>Smith (Mobile),</b>
<b>Greer (Calhoun),</b>	<b>Smith, Mac. A.</b>
<b>Greer (Perry),</b>	<b>Smith, Morgan M.,</b>
<b>Haley,</b>	<b>Spears,</b>
<b>Harrison,</b>	<b>Spragins,</b>
<b>Heflin (Chambers),</b>	<b>Stewart,</b>
<b>Heflin (Randolph),</b>	<b>Vaughan,</b>
<b>Henderson,</b>	<b>Waddell,</b>
<b>Hodges,</b>	<b>Walker,</b>
<b>Hood,</b>	<b>Watts,</b>

Weakley,  
White,  
Williams (Elmore),

Wilson (Clarke),  
Wilson (Washington)—83.

## NAYS.

Messrs. Grayson,

Merrill—2.

## REPORTS OF STANDING COMMITTEES.

Mr. Foster, chairman of the Committee on Amending the Constitution and Miscellaneous Provisions, reported favorably, with a substitute, resolution 246, which reads as follows:

Resolution 246, by Mr. Samford:

Resolved, That the General Assembly of this State is hereby instructed, at its next session, to reduce the tag tax on fertilizers to an amount not to exceed 10 cents per ton.

The resolution was referred to the Committee on Amending Constitution and Miscellaneous Provisions.

Substitute for resolution 246, by Mr. Samford, by Committee:

Be it resolved, by the people of Alabama in Convention assembled, That it is the sense of this Convention that the Legislature at its next meeting, should reduce the tag tax on fertilizers to an amount not to exceed the reasonable cost for the inspection thereof.

Mr. Graham of Talladega moved to table the resolution and substitute.

The motion was lost.

Mr. Wilson of Clarke moved to postpone the further consideration of the report, until the report of the Committee on Corporations had been finished.

On motion of Mr. Duke the motion of Mr. Wilson of Clarke was laid upon the table.

Mr. Coleman of Greene offered the following amendment to the substitute:

Amend the substitute by striking out "the reasonable cost for the inspection thereof" and insert in lieu thereof "twenty-five."

## CONSTITUTIONAL CONVENTION.

On motion of Mr. Foster the amendment was laid upon the table.

The question recurred upon the adoption of the substitute.

The substitute was adopted: Yeas, 80; nays, 28.

### YEAS.

Messrs. President,

Almon,  
Altman,  
Ashcraft,  
Banks,  
Barefield,  
Bartlett,  
Beavers,  
Bethune,  
Blackwell,  
Brooks,  
Bulger,  
Burns,  
Byars,  
Chapman,  
Cobb,  
Cofer,  
Coleman (Greene),  
Craig,  
Cunningham,  
Davis (DeKalb),  
Dent,  
Duke,  
Foster,  
Freeman,  
Glover,  
Graham (Montgomery),  
Grayson,  
Greer (Calhoun),  
Haley,  
Handley,  
Heflin (Chambers),  
Heflin (Randolph),

Henderson,  
Howell,  
Jackson,  
Jones (Bibb),  
Jones (Montgomery),  
Knight,  
Lowe (Lawrence),  
Macdonald,  
McMillan (Baldwin),  
Martin,  
Maxwell,  
Merrill,  
Miller (Wilcox),  
Moody,  
Murphree,  
NeSmith,  
Oates,  
O'Neal (Lauderdale),  
Opp,  
O'Rear,  
Palmer,  
Pettus,  
Phillips,  
Pillans,  
Procter,  
Reese,  
Rogers (Lowndes),  
Samford,  
Sanford,  
Searcy,  
Sentell,  
Sloan,  
Smith (Mobile),



Smith, Mac. A.,  
 Smith, Morgan M.,  
 Sorrell,  
 Spears,  
 Spragins,  
 Stewart,  
 Studdard,

Tayloe,  
 Thompson,  
 Weakley,  
 White,  
 Whiteside,  
 Williams (Barbour),  
 Winn—80.

## NAYS.

Messrs. Beddow,  
 Davis (Etowah),  
 Eley,  
 Eyster,  
 Ferguson,  
 Fletcher,  
 Graham (Talladega),  
 Grant,  
 Greer (Perry),  
 Harrison,  
 Hodges,  
 Hood,  
 Howze,  
 Inge,

Jones (Wilcox),  
 Kyle,  
 Ledbetter,  
 Lomax,  
 Norman,  
 Parker (Cullman),  
 Sanders,  
 Selheimer,  
 Vaughan,  
 Waddell,  
 Walker,  
 Williams (Elmore),  
 Wilson (Clarke),  
 Wilson (Washington)—28.

The question recurred upon the adoption of the original resolution as amended.

The resolution, as amended, was adopted.

## REGULAR ORDER.

The Convention proceeded to the consideration of the regular order, which was resolution 219.

The resolution was read at length as follows:

Resolution 219, by Mr. Beddow, of Jefferson:

Whereas, Various resolutions have been adopted throughout the State requesting that this Convention patronize union labor by having its printing done by members of the Typographical Union, and that the union label be printed thereon, and

Whereas, The union of labor should be encouraged by the people of Alabama in Convention assembled;

Therefore, be it resolved, That the Committee on Schedule, Printing and Incidental Expenses be and they are hereby instructed to patronize the printing establishments having in their employment union labor, and have the union label printed thereon.

On motion of Mr. Coleman of Greene the resolution was laid upon the table.

#### REGULAR ORDER.

The Convention proceeded to the consideration of the regular order, which was the report of the Committee on Militia.

The Article on Militia was read at length as follows:  
An ordinance on Militia:

#### ARTICLE —

1. All able-bodied white male inhabitants of this State, between the ages of eighteen years and forty-five years, who are citizens of the United States, or have declared their intention to become such citizens, shall be liable to military duty in the militia of the State; and the General Assembly may provide for the organization from among such citizens of a State naval militia.

2. The General Assembly, in providing for the organization, equipment, and discipline of the militia, shall conform as nearly as practicable to the regulations for the government of the armies of the United States.

3. Each company and regiment shall elect its own company and regimental officers; but if any company or regiment shall neglect to elect such officers within the time prescribed by law, they may be appointed by the Governor.

4. Volunteer organizations of infantry, cavalry, and artillery, may be formed in such manner, and under such restrictions, and with such privileges, as may be provided by law.

5. The militia and vounteer forces shall, in all cases, except treason, felony and breach of the peace, be privileged from arrest during their attendance at musters,

parades, and elections, and in going to and returning from the same.

6. The Governor, shall, except as otherwise provided herein, be commander-in-chief of the militia and volunteer forces of the State, except when in the service of the United States, and shall, with the advice and consent of the Senate, appoint all general officers, whose term of office shall be for four years. The Governor, the Generals and regimental and battalion commanders, shall appoint their own staffs, as may be provided by law.

7. The General Assembly shall provide for the safe keeping of the arms, ammunition and accoutrements, military records, banners and relics of the State.

8. The officers and men of the militia and volunteer forces shall not be entitled to, or receive, any pay, rations, or emoluments, when not in active service.

Mr. Wilson of Clarke offered the following amendment to Sections 1, 2 and 7, which was adopted:

Strike out the words "General Assembly" in insert in lieu thereof the word "Legislature" in Sections 1, 2 and 7.

Mr. Coleman of Greene offered the following substitute for Section 1:

The Legislature shall have power to declare who shall constitute the militia of the State, and to provide for organizing, arming and disciplining the same.

Mr. Wilson of Clarke offered the following amendment to the substitute offered by Mr. Coleman of Greene, which was adopted:

Amend by adding at the end of Mr. Coleman's amendment "the Legislature may provide for the organizing of the State naval militia."

Mr. Pettus moved to table the pending amendments to Section 1.

The motion was lost: Yeas, 21; nays, 75.

#### YEAS.

Messrs. Bethune,  
Blackwell,  
Chapman,  
Grayson,

Hodges,  
Jones (Bibb),  
Macdonald,  
Merrill.

Moody,  
O'Neal (Lauderdale),  
Pettus,  
Reese,  
Sanders,  
Spragins,

Stewart,  
Tayloe,  
Thompson,  
Vaughan,  
Wilson (Clarke)—21.

## NAYS.

Messrs. President,  
Altman,  
Ashcraft,  
Banks,  
Barefield,  
Beddow,  
Boone,  
Brooks,  
Bulger,  
Burns,  
Byars,  
Cobb,  
Cofer,  
Coleman (Greene),  
Davis, (Etowah),  
Dent,  
Duke,  
Eley,  
Eyster,  
Fletcher,  
Glover,  
Graham (Montgomery),  
Graham (Talladega),  
Grant,  
Greer (Calhoun),  
Greer (Perry),  
Haley,  
Handley,  
Harrison,  
Heflin (Chambers),  
Heflin (Randolph),  
Henderson,

Hood,  
Howell,  
Howze,  
Inge,  
Jackson,  
Jenkins,  
Jones (Montgomery),  
Jones (Wilcox),  
Knight,  
Kyle,  
Ledbetter,  
Lomax,  
Lowe (Jefferson),  
McMillan (Baldwin),  
Martin,  
Maxwell,  
Miller (Wilcox),  
Murphree,  
NeSmith,  
Oates,  
O'Neill (Jefferson),  
Opp,  
Parker (Cullman),  
Parker (Elmore),  
Phillips,  
Pillans,  
Pitts,  
Proctor,  
Rogers (Lowndes),  
Sentell,  
Sloan,  
Smith (Mobile),

Smith, Mac. A.,  
Smith, Morgan M.,  
Spears,  
Waddell,  
Walker,  
Watts,

Whiteside,  
Williams (Barbour),  
Williams (Elmore),  
Wilson (Washington),  
Winn—75.

The substitute offered by Mr. Coleman of Greene was adopted.

Section 1, as amended, was thereupon adopted.

Mr. Jones of Montgomery offered the following amendment to Section 4 of the Article on Militia:

Amend Section 4 by adding after the word "artillery" the words "and naval militia."

The amendment was adopted.

On motion of Mr. Wilson of Clarke the Article on Militia was ordered engrossed for a third reading and adoption.

#### REGULAR ORDER.

The Convention proceeded to the consideration of the regular order, which was the report of the Committee on Corporations.

On motion of Mr. Harrison the article was considered section by section.

#### SECTION ONE.

Was read at length as follows:

Section 1. The Legislature shall pass no special act conferring corporate powers, but they shall pass general laws under which corporations may be organized and corporate powers of every nature obtained, subject nevertheless, to repeal at the will of the Legislature; and shall pass general laws under which charters heretofore granted may be altered or amended. The Legislature shall, by general law, provide for the payment to the State of Alabama of a franchise tax by corporations organized under the laws of this State, which shall be in proportion to the amount of capital stock.

Mr. Harrison offered the following amendment to Section 1, which was adopted:

Amend Section 1 by striking out the word "they" where it first appears in the second line thereof, and insert in lieu thereof the word "it," and further amend Section 1 by inserting between the words "to" and "repeal" on the third line thereof, the following words, to-wit: "Amendment, alteration, etc."

Mr. Harrison offered the following amendment to Section 1, which was adopted:

Amend by striking out the words "of every nature" on line three.

Mr. Ashcraft moved to reconsider the vote whereby the first amendment to Section 1 was adopted.

The motion prevailed.

Mr. Macdonald moved to recommit Section 1 to the Committee on Corporations.

The motion was lost.

Mr. Walker offered the following amendment to Section 1, which was adopted:

"The charter of any corporation shall be subject to amendment, alteration or repeal by general laws."

By unanimous consent Mr. Harrison withdrew his first amendment to Section 1.

Mr. Watts offered the following amendment to Section 1, which was adopted:

Amend Section 1 of the report of the Committee on Corporations by striking out the word "heretofore granted," in the fourth line.

On motion of Mr. Harrison Section 1, as amended, was adopted.

## SECTION TWO.

Was read at length as follows:

Sec. 2. All existing charters or grants of special or exclusive privileges, under which a bona fide organization shall not have taken place and business been commenced in good faith within twelve months from the time of the ratification of this Constitution, shall thereafter have no validity.

Mr. Graham of Montgomery offered the following amendment to Section 2:

Amend Section 2 in first line by striking out the words "or grants of special or exclusive privileges."

RECESS.

Pending the further consideration of the report of the Committee on Corporations, the hour of 1 o'clock having arrived, under the rules, the Convention recessed until 3:30 this afternoon.

AFTERNOON SESSION.

The Convention met pursuant to adjournment.

ROLL CALL.

On a call of the roll of the Convention the following delegates answered to their names, which constituted a quorum:

Messrs. President,	Davis (Etowah),
Altman,	Eyster,
Ashcraft,	Ferguson,
Banks,	Fletcher,
Barefield,	Foster,
Bartlett,	Glover,
Beavers,	Graham (Montgomery),
Beddow,	Graham (Talladega),
Blackwell,	Grant,
Boone,	Grayson,
Brooks,	Greer (Calhoun),
Bulger,	Greer (Perry),
Burns,	Haley,
Byars,	Handley,
Chapman,	Harrison,
Cobb,	Heflin (Randolph),
Craig,	Henderson,
Cunningham,	Hood,
Davis (DeKalb),	Powell,

Howze,	Proctor,
Inge,	Rogers (Lowndes),
Jenkins,	Samford,
Jones (Bibb),	Sanders,
Jones (Montgomery),	Sanford,
Jones (Wilcox),	Searcy,
Kyle,	Selheimer,
Macdonald,	Sloan,
McMillan (Baldwin),	Smith (Mobile),
McMillan (Wilcox),	Smith, Mac. A.,
Malone,	Sorrell,
Martin,	Spears,
Maxwell,	Spragins,
Miller (Wilcox),	Stewart,
Moody,	Studdard,
Murphree,	Tayloe,
Norman,	Thompson,
O'Neill (Jefferson),	Vaughan,
Opp,	Walker,
O'Rear,	Weakley,
Palmer,	White,
Parker (Cullman),	Whiteside,
Parker (Elmore),	Williams (Barbour),
Pettus,	Williams (Elmore),
Phillips,	Wilson (Clarke).
Pillans,	Winn—91.
Pitts,	

## REPORT OF COMMITTEE ON RULES.

Mr. Smith of Mobile, acting chairman of the Committee on Rules, reported favorably the following substitute for resolutions 282 and 294. The substitute was read at length as follows and adopted:

Substitute for resolutions 282 and 294, introduced by Mr. Williams of Elmore, reported by Committee on Rules:

In order that the records of this Convention may be complete, be it

Resolved, That the President be and he is hereby authorized to arrange for the printing of 1,000 copies of



the daily stenographic proceedings of the first, second and third days of this Convention, and that the Secretary of this Convention be and he is hereby authorized and instructed to furnish to the printer with whom the President shall so arrange, a copy of the proceedings of the first, second and third days of the Convention.

Be it further resolved, That when said proceedings are printed that the same be distributed among the members of this Convention as official stenographic reports have heretofore been distributed. Said copies to be of like size and form as the said reports.

Mr. Smith of Mobile, acting chairman of the Committee on Rules, reported favorably the following amendment to rule 53, which was read at length one time and laid upon the table, to be taken up in its regular order:

Amendment by Rules Committee.

Amend rule 53 so as to read as follows:

Rule 53. The Committee on Order, Consistency and Harmony of the Constitution, shall report the proposed Constitution to the Convention, or any part or parts thereof, from time to time as they may think proper, and the Constitution, or the parts thereof, so reported, shall be read and acted upon article by article and submitted to a vote of the Convention; if a majority of the members present shall vote therefor the same shall be adopted; but if amended in any particular, it shall be re-referred, with such amendments to the said committee, who shall cause the article or articles amended, with such amendments so adopted, to be re-written and report the same to the Convention for its action. When the Constitution shall have finally been adopted by the Convention, it shall be enrolled, and when enrolled, it shall be again read, and attested by the President and Secretary, and each delegate to the Convention shall personally sign his name thereto. The signature of the majority of the delegates present, or a majority of the Convention, shall constitute a sufficient attestation.

## REPORT OF COMMITTEE ON ENGROSSMENT.

Mr. Samford, chairman of the Committee on Engrossment, submitted the following report, which was concurred in:

*Mr. President:*

Your Committee on Engrossment beg leave to report that they have examined the following report, to-wit: Judicial Department, and find the same to be correctly engrossed.

Respectfully submitted,

WM. H. SAMFORD, *Chairman.*

## ARTICLE ON THIRD READING.

The Article on the Judicial Department was read at length as follows a third time and adopted: Yeas, 79; nays, 2.

## JUDICIAL DEPARTMENT.

Section 1. The judicial powers of the State shall be vested in the Senate sitting as a court of impeachment, a Supreme Court, Circuit Courts, Chancery Courts, Courts of Probate, such courts of law and equity inferior to the Supreme Court, and to consist of not more than five members, as the Legislature from time to time may establish, and such persons as may be by law invested with powers of a judicial nature; but no court of general jurisdiction, at law or in equity, or both, shall hereafter be established in and for any one county having a population of less than 20,000, or property assessed for taxation at a less valuation than \$3,500,000.

Sec. 2. Except in cases otherwise directed in this Constitution, the Supreme Court shall have appellate jurisdiction only, which shall be coextensive with the State, under such restrictions and regulations, not repugnant to this Constitution, as may from time to time be prescribed by law, except where jurisdiction over appeals is vested in some inferior court, and made final therein; provided, that the Supreme Court shall have

power to issue writs of injunction, habeas corpus, quo warranto, and such other remedial and original writs as may be necessary to give it a general superintendence and control of inferior jurisdictions.

Sec. 3. The Supreme Court shall be held at the seat of government, but if that shall become dangerous from any cause, it may adjourn to another place.

Sec. 4. Except as otherwise authorized in this article, the State shall be divided into convenient circuits. For each circuit there shall be chosen a judge, who shall, for one year next preceding his election and during his continuance in office, reside in the circuit for which he is elected.

Sec. 5. The Circuit Court shall have original jurisdiction in all matters civil and criminal within the State not otherwise excepted in this Constitution; but in civil cases, other than suits for libel, slander, assault and battery, and ejectment, it shall have jurisdiction only where the matter or sum in controversy exceeds fifty dollars.

Sec. 6. A Circuit Court, or a court having the jurisdiction of the Circuit Court, shall be held in each county in the State at least twice in every year, and judges of the several courts mentioned in this section may hold court for each other when they deem it expedient, and shall do so when directed by law. The judges of the several courts mentioned in this section shall have power to issue writs of injunction, returnable in the Courts of Chancery, or courts having the jurisdiction of Courts of Chancery.

Sec. 7. The Legislature shall have power to establish a Court or Courts of Chancery, with original and appellate jurisdiction, except as otherwise authorized in this article. The State shall be divided by the Legislature into convenient Chancery divisions; each division shall be divided into districts, and for each division there shall be a chancellor, who shall have resided for one year next preceding his election or appointment, and at the time of his election or appointment, and during his continuance in office in the division for which he shall be elected or appointed.

Sec. 8. A Chancery Court, or a court having the jurisdiction of the Chancery Court, shall be held in each district, at a place to be fixed by law, at least twice in each year, and the chancellors may hold court for each other when they deem it necessary.

Sec. 9. Any county having a population exceeding 20,000, according to the next preceding Federal census, and also taxable property exceeding \$3,500,000 in value, according to the next preceding assessment of property for State and county taxation, need not be included in any circuit or chancery division; but if the value of its taxable property shall be reduced below that limit, or if its population shall be reduced below that number, the Legislature shall include such county in a circuit and chancery division or either, embracing more than one county.

No circuit or chancery division shall contain less than three counties, unless there be embraced therein a county having a population exceeding 20,000, and taxable property exceeding \$3,500,000. The Legislature may confer upon the Circuit Court or the Chancery Court the jurisdiction of both of said courts. In counties having two or more courts of record, the Legislature may provide for the consolidation of all or any of such courts of record, except the Probate Court, with or without separate divisions, and an appropriate number of Judges for the transaction of the business of such consolidated court.

Sec. 10. The Legislature shall have power to establish in each county within the State a court of Probate, with general jurisdiction to grant letters testamentary and of administration, and of orphans' business; provided, that whenever any court having equity powers has taken jurisdiction of the settlement of any estate, it shall have power to do all things necessary for the settlement of such estate, including the appointment and removal of administrators, executors, guardians and trustees, and including action upon the resignation of either of them.

Sec. 11. The Justices of the Supreme Court, Chancellors, and the Judges of the Circuit Courts, and other

courts of record, except Probate Courts, shall, at stated times, receive for their services a compensation which shall not be diminished during their official term; they shall receive no fees or perquisites, nor hold any office (except judicial offices) of profit or trust under this State or the United States, or any other power, during the term for which they have been elected or appointed.

Sec. 12. The Supreme Court shall consist of one Chief Justice and such number of Associate Justices as may be prescribed by law.

Sec. 13. The Chief Justice and Associate Justices of the Supreme Court, Judges of the Circuit Courts, Probate Courts, and Chancellors, shall be elected by the qualified electors of the State, circuits, counties and chancery divisions, for which such courts may be established, at such times as may be prescribed by law, except as herein otherwise provided.

Sec. 14. The Judges of such inferior courts of law and equity as may be by law established, shall be elected or appointed in such mode as the Legislature may prescribe.

Sec. 15. Chancellors and Judges of all courts of record, shall have been citizens of the United States and of this State for five years next preceding their election or appointment, and shall be not less than 25 years of age; and, except Judges of Probate Courts, shall be learned in the law.

Sec. 16. Except as otherwise provided in this article, the Chief Justice and Associate Justices of the Supreme Court, Circuit Judges, Chancellors, and Judges of Probate, shall hold office for the term of six years, and until their successors are elected or appointed, and qualified; and the right of such Judges and Chancellors to hold their offices for the full term hereby prescribed shall not be affected by any change hereafter made by law in any circuit, division or county, in the mode or time of election.

Sec. 17. The Chief Justice and Associate Justices of the Supreme Court shall be chosen at an election held at the time and place fixed by law for the election of members of the House of Representatives of the Con-

gress of the United States, until the Legislature shall, by law, change the time of holding such election. The term of office of the Chief Justice, who shall be elected in the year 1904, shall be as provided in the last preceding section. The successors of two of the Associate Justices elected in 1904 shall be elected in the year 1906, and the successors of the other two Associate Justices elected in 1904 shall be elected in the year 1908. The Associate Justices of said court elected in the year 1904 shall draw or cast lots among themselves to determine which of them shall hold office for the terms ending, respectively, in the years 1906 and 1908, and until their respective successors are elected or appointed and qualified. The result of such determination shall be certified to the Governor, by such Associate Justices, or a majority of them, prior to the first day of January, 1905, and such certificate shall be entered upon the minutes of the court. In the event of the failure of said Associate Justices to make and certify such determination, the Governor shall designate the terms for which they shall respectively hold office, as above provided, and shall issue his proclamation accordingly. In the event of an increase or reduction by law of the number of Associate Justices of the Supreme Court, the Legislature shall, as nearly as may be, provide for the election, each second year, of one-third of the members of said court.

Sec. 18. All judicial officers within their respective jurisdictions shall, by virtue of their offices, be conservators of the peace.

Sec. 19. Vacancies in the office of any of the judges who hold office by election, or chancellors of this State, shall be filled by appointment by the Governor; such appointee shall hold his office until the next general election held at least six months after the vacancy occurs, and until his successor is elected and qualified; the successor chosen at such election shall hold office for the unexpired term and until his successor is elected and qualified.

Sec. 20. Whenever any new circuit or chancery division is created the Judge or Chancellor therefor shall

be elected at the next election for Representatives to the Legislature for a term to expire at the next general election for Judges and Chancellors; provided, that if said new circuit or chancery division is created more than six months before the next election of Representatives to the Legislature, the Governor shall appoint some one as Judge or Chancellor, as the case may be, to hold the office until such election.

Sec. 21. If in any case, civil or criminal, pending in any Circuit Court, Chancery Court, or in any court having the jurisdiction of a Circuit or Chancery Court, or either of them, in this State, the presiding Judge or Chancellor shall, for any legal cause, be incompetent to try, hear or render judgment in such case, the parties, or their attorneys of record, if it be a civil case, or the solicitor or prosecuting officer, and the defendant or defendants, if it be a criminal case, may agree upon some disinterested person, practicing in the court and learned in the law, to act as special judge or chancellor to sit as a court, and to hear, decide and render judgment in the same manner and to the same effect as a Chancellor or as a Judge of the Circuit Court, or of a court having the jurisdiction of a Circuit and Chancery Court, or either, sitting as a court might do in such case. If the case be a civil one, and the parties or their attorneys of record do not agree; or if it be a criminal one and the prosecuting officer and the defendant or defendants do not agree upon a special Judge or Chancellor, or if either party in a civil cause is not represented in court, the Register in Chancery or the clerk of such Circuit or other court, in which said cause is pending, shall appoint a special Judge or Chancellor, who shall preside, try and render judgment as in this section provided. The Legislature may prescribe other methods of supplying special Judges in such cases.

Sec. 22. The Legislature shall have power to provide for the holding of Chancery and Circuit Courts, and for the holding of courts having the jurisdiction of Circuit and Chancery Courts, or either of them, when the Chancellors or Judges thereof fail to attend regular terms.

Sec. 23. No Judge of any court of record in this State shall practice law in any of the courts of this State or of the United States.

Sec. 24. Registers in chancery shall be appointed by the Chancellors of the respective divisions, and shall have been at least twelve months before their appointment, and shall be at the time of their appointment and during their continuance in office, resident citizens of the district for which they are appointed. They shall hold office for the term for which the Chancellor making such appointment was elected or appointed. Such registers shall receive as compensation for their services only such fees and commissions as may be specifically prescribed by law, which fees shall be uniform throughout the State.

Sec. 25. The clerk of the Supreme Court shall be appointed by the Judges thereof, and shall hold office for the term of six years, and the clerks of such inferior courts as may be established by law shall be selected in such manner as the Legislature may provide.

Sec. 26. Clerks of the Circuit Court shall be elected by the qualified electors in each county for the term of six years, and may, when appointed by the Chancellor, also fill the office of Register in Chancery. Vacancies in such office of clerk shall be filled by the Judge of the Circuit for the unexpired term.

Sec. 27. The clerk of the Supreme Court and registers in Chancery may be removed by the Justices of the Supreme Court, and by the Chancellor respectively, for cause, to be entered at length upon the minutes of the court.

Sec. 28. A Solicitor for each Judicial Circuit or other territorial subdivision prescribed by the Legislature, shall be elected by the qualified electors of such circuit or other territorial subdivision, who shall be learned in the law, and who shall, at the time of his election, and during his continuance in office, reside in a county in the circuit in which he prosecutes criminal cases, or other other territorial subdivision for which he is elected, and whose term of office shall be four years, and who shall receive no other compensation than a salary



to be prescribed by law, which shall not be increased during the term for which he was elected; provided, that this article shall not operate to abridge the term of any Solicitor now in office; and, provided further, that the Solicitors elected in the year 1904 shall hold office for six years, and until their successors are elected and qualified; and, provided further, that the Legislature may provide by law for the appointment by the Governor or the election by the qualified electors of a county of a Solicitor for any county.

Sec. 29. In each precinct not lying within, or partly within, any city or incorporated town of more than 1,500 inhabitants, there shall be elected, by the qualified electors of such precinct not exceeding two Justices of the Peace and one Constable. Where one or more precincts lie within, or partly within, a city or incorporated town having more than 1,500 inhabitants, the Legislature may provide by law for the election of not more than two Justices of the Peace and one Constable, for each of such precincts, or an inferior court for such precinct or precincts, in lieu of all Justices of the Peace therein. Justices of the Peace, and the inferior courts herein provided for, shall have jurisdiction in all civil cases where the amount in controversy does not exceed \$100, except in cases of libel, slander, assault and battery, and ejectment. The Legislature may provide by law what fees may be charged by Justices of the Peace and Constables, which fees shall be uniform throughout the State. The right of appeal from any judgment of a Justice of the Peace, or from any inferior court authorized by this section, without the prepayment of costs, and also in the term of office of such Justices, and of the Judges of such inferior courts, and of Notaries Public, shall be provided for by law. The Governor may appoint Notaries Public without the powers of a Justice of the Peace, and may, except where otherwise provided by an act of the Legislature, appoint not more than one Notary Public with all of the powers and jurisdiction of a Justice of the Peace for each precinct in which the election of Justices of the Peace shall be authorized.

Sec. 30. The Attorney General shall be elected by the qualified electors of the State at the same time and places of election of members of the Legislature, whose term of office shall be for four years and until his successor is elected and qualified. He shall reside at the seat of government, shall be the law officer of the State, and shall perform such duties as may be required of him by law.

Sec. 31. The style of all process shall be "The State of Alabama" and all prosecutions shall be carried on in the name and by the authority of the same, and shall conclude "Against the peace and dignity of the State."

Sec. 32. After suit has been commenced on any cause of action the Legislature shall have no power to take away such cause of action, or to destroy any defense that may exist to any suit after such suit has been commenced.

Sec. 33. The Legislature shall have the power to abolish any court (except the Supreme Court and the Probate Courts) whenever its jurisdiction and functions have been conferred upon some other court.

Sec. 34. Nothing in this article shall be so construed as to effect the term of office of any officer now in office.

## YEAS.

Messrs. President,

Almon,

Altman,

Ashcraft,

Banks,

Barefield,

Beddow,

Bethune,

Blackwell,

Boone,

Chapman,

Cobb,

Craig,

Cunningham,

Davis (Etowah),

Eyster,

Ferguson,

Fletcher,

Foster,

Glover,

Graham (Montgomery),

Grant,

Grayson,

Greer (Calhoun),

Haley,

Handley,

Heflin (Chambers),

Heflin (Randolph),

Hood,

Howell,

Howze,	Pettus,
Inge,	Pillans,
Jenkins,	Pitts,
Jones, (Bibb),	Proctor,
Jones (Montgomery),	Reese,
Jones (Wilcox),	Rogers (Lowndes),
Knight,	Samford,
Kyle,	Sanders,
Ledbetter,	Sanford,
Lowe (Jefferson),	Searcy,
Lowe (Lawrence),	Smith (Mobile),
Macdonald,	Sorrell,
McMillan (Baldwin),	Spragins,
Martin,	Stewart,
Maxwell,	Tayloe,
Miller (Wilcox),	Thompson,
Moody,	Vaughan,
Murphree,	Waddell,
NeSmith,	Walker,
Norwood,	Watts,
O'Neal (Lauderdale),	Weakley,
O'Neill (Jefferson),	White,
Opp,	Whiteside,
O'Rear,	Williams (Barbour),
Palmer,	Wilson (Clarke)—79.
Parker (Cullman),	

## NAYS.

Messrs. Byars,

Cofer—2.

## UNFINISHED BUSINESS.

The Convention proceeded to the consideration of the unfinished business, which was the report of the Committee on Corporations.

The question recurred upon the adoption of the amendment of Mr. Graham of Montgomery to Section 2.

The amendment to Section 2 was adopted.

On motion of Mr. Harrison Section 2 was adopted as amended.

## SECTION THREE.

Was read at length as follows:

Sec. 3. The Legislature shall not remit the forfeiture of the charter of any corporation now existing, nor alter or amend the same, nor pass any general or special law for the benefit of such corporation, other than in execution of a trust created by law or by contract, except upon the condition that such corporation shall thereafter hold its charter subject to the provisions of this Constitution, and every amendment of any charter of any corporation in this State, or any special law for its benefit, accepted thereby, shall operate as a novation of said charter, and shall bring the same under the provisions of this Constitution; provided, that this section shall not extend to any amendment for the purpose of allowing any existing road to take stock in or aid in building any branch road.

Mr. O'Neal of Lauderdale offered the following amendment to Section 3:

Amend Section 3 by striking out in line 2 the words "or special," and also the words "or any special law for its benefit" in line 6.

On motion of Mr. Graham of Montgomery the amendment was laid upon the table.

Mr. Walker offered the following amendment to Section 3, which was adopted:

Amend by striking out all after the word "Constitution" on line 5.

On motion of Mr. Harrison Section 3, as amended, was adopted.

## SECTION FOUR.

Was read at length as follows:

Sec. 4. No foreign corporation shall do any business in this State without having at least one known place of business and an authorized agent or agents therein, and without filing with the Secretary of State a certified copy of its articles of incorporation or association, and of the law and authority under which it

is incorporated. Such corporation may be sued in any county where it does business, by service of process upon an agent anywhere in the State. The Legislature shall, by general law, provide for the payment to the State of Alabama, of a franchise tax by such corporation, which shall be the same as that required of domestic corporations and in proportion to the amount of its capital stock, but strictly benevolent or religious corporations shall not be required to pay such a tax.

Mr. Harrison, on behalf of the committee, offered the following amendment, which was adopted by unanimous consent:

Amend Section 4 by inserting in line 9 after the word "benevolent" the word "educational."

Mr. Harrison, on behalf of the committee, offered the following amendment to Section 4, which was adopted:

Amend Section 4 by striking out in line 4 the following words to-wit: "And of the law and authority under which it is incorporated."

Mr. Kyle offered the following amendment to Section 4, which was adopted by unanimous consent:

Amend Section 4 of report of Committee on Corporations by striking out all of seventh line after word "corporation," and all of eighth line except word "but," and insert following: "Based on actual amount of capital employed in this State."

On motion of Mr. Harrison Section 4, as amended, was adopted.

#### SECTION FIVE.

Was read at length as follows:

Sec. 5. No corporation shall engage in any business other than that expressly specified in its declaration or application.

Mr. Harrison, on behalf of the committee, offered the following amendment to Section 5:

Amend Section 5 by striking out the word "specified in its declaration or application," and inserting in lieu

thereof the words "authorized in its charter, or articles of incorporation."

The amendment was adopted.

Mr. Pettus offered the following amendment to Section 5:

Amend Section 5 of report of the Committee on Corporations by adding at the end of the said section the following words: "Any corporation violating the provisions of this section, either by itself or by any agent, and all persons aiding in such violation shall be liable in damages, proximate or remote, to any person or corporation who is injured by such violation in any manner whatsoever."

On motion of Mr. Boone the amendment was laid upon the table.

Mr. Smith of Mobile offered the following amendment to Section 5:

Amend Section 5 by striking out everything after the word "expressly" and inserting the words "authorized by law."

The amendment of Mr. Smith of Mobile was lost.

On motion of Mr. Harrison Section 5, as amended, was adopted.

#### SECTION SIX.

Was read at length as follows and adopted.

Sec. 6. No corporation shall issue stock or bonds except for money, labor done, or money or property actually received; and all fictitious increase of stock or indebtedness shall be void. The stock and bonded indebtedness of corporations shall not be increased except in pursuance of general laws, nor without the consent of the persons holding the larger amount of value of stock, first obtained at a meeting to be held after 30 days' notice, given in pursuance of law.

#### SECTION SEVEN.

Was read at length as follows:

Sec. 7. Municipal and other corporations and individuals invested with the privilege of taking private

property for public use, shall make just compensation, to be ascertained as may be provided by law, for the property taken, injured or destroyed by the construction or enlargement of its works, highways or improvements, which compensation shall be paid before such taking, injury or destruction. The Legislature is hereby prohibited from depriving any person of an appeal from any preliminary assessment of damages against any such corporations or individuals made by viewers or otherwise, but such appeal shall not deprive the person who has obtained the judgment or condemnation from a right of entry, provided he shall give bond with good and sufficient sureties to pay such damages as the property owner may sustain; and the amount of such damages in all cases of appeal shall, on the demand of either party, be determined by a jury according to law.

Mr. Walker offered the following amendment to Section 7, which was adopted:

Amend by inserting after the word "bond" on line nine, the words "in not less than double the amount of the damages assessed."

Mr. Beddow offered the following amendment to Section 7:

Amend Section 7 by striking out all the words beginning on line 7 after the word "otherwise" to and including the word "sustain" in the tenth line.

Mr. Cobb offered the following amendment to the amendment offered by Mr. Beddow:

Amend by striking out all words after the word "provided" in the ninth line, down to and including the word "sustained," and in lieu thereof by inserting the following: "He shall pay into court the money which has been awarded to him as damages as by giving bond for the payment of any additional amount which may be awarded to him on appeal and for costs."

Mr. Almon moved to table the amendment of Mr. Beddow and the amendment to the amendment offered by Mr. Cobb.

The motion prevailed, and the amendment and the amendment to the amendment was laid upon the table.

On motion of Mr. Harrison Section 7 was adopted.

## SECTION EIGHT.

Was read at length as follows:

Sec. 8. Dues from private corporations shall be secured by such means as may be prescribed by law, but in no case shall any stockholder be individually liable otherwise than for the unpaid stock owned by him or her.

Mr. Watts offered the following amendment to Section 8:

Amend Section 8 of the report of the Committee on Corporations by adding at the end of Section 8 the following: "Provided that where stock is paid for in property or labor at less than the fair value of said labor or property, the person so paying for said stock shall be liable to the creditors of said corporation for the difference between the fair value of said labor or property and the value at which it was used in paying for said stock."

On motion of Mr. Opp the amendment was laid upon the table.

On motion of Mr. Harrison Section 8 was adopted.

On motion of Mr. Harrison the further consideration of the report of the Committee on Corporations was postponed until 12 o'clock m. Monday, and the same was made a special order for that hour.

## ADJOURNMENT.

The hour of 6 o'clock having arrived, under the resolution heretofore adopted, the Convention adjourned until 12 o'clock m. on Monday.

## SEVENTY-FIFTH DAY.

## CONVENTION HALL.

Montgomery, Ala., Monday, August 19, 1901.

The Convention met pursuant to adjournment.

Prayer was offered by Rev. A. L. Andrews of the city.



## ROLL CALL.

On a call of the roll of the Convention the following delegates answered to their names, which constituted a quorum :

Messrs. President,	Glover,
Almon,	Graham (Montgomery),
Ashcraft,	Grant,
Banks,	Grayson,
Barefield,	Haley,
Beavers,	Handley,
Beddow,	Harrison,
Bethune,	Heflin (Chambers),
Blackwell,	Heflin (Randolph),
Boone,	Hinson,
Brooks,	Hodges,
Browne,	Hood,
Burns,	Howell,
Byars,	Howze,
Carmichael (Colbert),	Inge,
Chapman,	Jackson,
Cobb,	Jenkins,
Cofer,	Jones (Bibb),
Cornwell,	Jones (Montgomery),
Cunningham,	Jones (Wilcox),
Davis (DeKalb),	Knight,
Davis (Etowah),	Kyle,
Dent,	Lomax,
deGraffenried,	Long (Butler),
Duke,	Long (Walker),
Eley,	Macdonald,
Espy,	McMillan (Baldwin),
Ferguson,	McMillan (Wilcox),
Fitts,	Malone,
Fletcher,	Martin,
Foshee,	Maxwell,
Foster,	Merrill,
Freeman,	Murphree,

Norman,	Smith (Mobile),
Norwood,	Smith, Mac. A.
Oates,	Sorrell,
O'Neal (Lauderdale),	Spears,
Opp,	Spragins,
Parker (Cullman),	Stewart,
Parker (Elmore),	Studdard,
Pearce,	Tayloe,
Pettus,	Thompson,
Phillips,	Vaughan,
Pillans,	Waddell,
Pitts,	Walker,
Proctor,	Watts,
Reese,	Weakley,
Reynolds (Chilton),	Weatherly,
Rogers (Sumter),	White,
Sanders,	Whiteside,
Sanford,	Williams (Barbour),
Searcy,	Williams (Marengo),
Selheimer,	Wilson (Clarke),
Sentell,	Wilson (Washington)
Sloan,	Winn—105.

## LEAVE OF ABSENCE

Was granted to Messrs. Fitts, Lowe of Lawrence, M. M. Smith, Eyster, Graham of Talladega for to-day; Locklin for to-day and to-morrow; Sollie indefinitely.

## STENOGRAPHIC REPORT.

Mr. Graham of Montgomery called the attention of the Convention to certain errors in the stenographic report of the proceedings of yesterday.

The report was ordered corrected.

## REPORT OF THE COMMITTEE ON THE JOURNAL.

The chairman of the Committee on the Journal submitted the following report, which was concurred in:

The Committee on the Journal beg leave to report that they have examined the Journal for the seventy-fourth day of the Convention, and that the same is correct.

Respectfully submitted,

JOHN F. PROCTOR, *Chairman.*

Mr. Espy offered the following resolution, the rules were suspended and the resolution was adopted by a rising vote:

Resolution 313, by Mr. Espy:

Whereas, Death has invaded the home of one of our brother delegates and taken from him his life companion, leaving his home sad and desolate;

Therefore, be it resolved, that the sincere sympathy of this Convention be extended to Hon. M. Sollie and his little children in this hour of bereavement, and we trust that a kind and loving Father "Who doeth all things well" will comfort him during this trying ordeal.

Resolved further, That the secretary of this Convention be instructed to forward a copy of these resolutions to our brother delegate, thus conveying in some slight way our feeling for him in this dark hour.

#### RESOLUTION ON FIRST READING.

The following resolution was introduced, severally read one time at length, and referred to an appropriate committee, as follows:

Resolution 314, by Mr. Long, of Walker:

Resolved, That the Committee on Order, Consistency and Harmony of the Constitution be authorized and directed to insert in the draft of the Article on the Executive Department relating to Sheriffs, the following amendment:

Strike out the words "and shall be ineligible as such officer as his own successor," wherever they occur therein, and insert in lieu thereof the following words: "Who shall be eligible to succeed himself, but not for more than two consecutive terms;" also by adding at the end of section the following words: "And the Governor, when

satisfied, after hearing the Sheriff, that he should be impeached, may suspend him from office until the impeachment proceedings are terminated."

The resolution was referred to the Committee on Executive Department.

#### REPORT OF STANDING COMMITTEES.

Mr. Jones of Montgomery, chairman of the Committee on Executive Department, submitted the following report, which was laid upon the table, and 300 copies ordered printed:

*Mr. President:*

The Committee on Executive Department, to which was referred resolution No. 314, by Mr. Long of Walker, have had the same under consideration, and instruct me to report the same back favorably with the recommendation that it be passed.

THOMAS G. JONES, *Chairman.*

Resolution 314, by Mr. Long, of Walker:

Resolved, That the Committee on the Order, Consistency and Harmony of the Constitution be authorized and directed to insert in the draft of the Article on the Executive Department relating to Sheriffs, the following amendment: "Strike out the words "and shall be ineligible as such officer as his own successor" wherever they occur therein, and insert in lieu thereof the following words: "Who shall be eligible to succeed himself, but not for more than two consecutive terms;" also by adding at end of section the following words: "And the Governor, when satisfied, after hearing the Sheriff, that he should be impeached, may suspend him from office until the impeachment proceedings are terminated."

#### RECONSIDERATION.

Mr. Pettus moved to reconsider the vote by which resolution 246 was adopted on yesterday, and asked that it be postponed until the report of the Committee on

Corporations had been finished, and it be made a special order at that time.

#### RECONSIDERATION.

On motion of Mr. Cobb Section 7 of the Article on Corporations, which was adopted on last Saturday, was reconsidered.

Mr. Cobb offered the following amendment to Section 7, of the Article on Corporations:

Amend by striking out all after the word "provided" in line 9, and inserting in lieu thereof the following: "He shall have paid into court in money the amount of the damages assessed, and shall have given bond with good and sufficient securities to pay such damages as the property owner may sustain; and the amount of damages in all cases of appeal shall, on the demand of either party, be determined by a jury, according to law."

Mr. Macdonald offered the following amendment to the amendment offered by Mr. Cobb:

Whenever any municipal or other corporation, or individual, invested with the privileges of taking private property for public use, takes, injures or destroys any property, wilfully and intentionally, and without first resorting to legal proceedings to condemn the same, the owner of the property so taken, injured or destroyed, shall be entitled to recover three times the value of the property so taken, injured or destroyed in addition to such other damages as may be recovered by law for the trespass.

On motion of Mr. Cobb the amendment of Mr. Macdonald was laid upon the table.

The question recurred upon the adoption of the amendment offered by Mr. Cobb.

The amendment offered by Mr. Cobb was adopted.

On motion of Mr. Harrison Section 7, as amended, was adopted.

## SECTION NINE.

Was read at length as follows and adopted:

Sec. 9. No corporation shall issue preferred stock without the consent of the owner of two-thirds of the stock of said corporation.

## SECTION TEN.

Was read at length as follows:

Sec. 10. The Legislature shall have the power to revoke any charter of incorporation now existing and revocable at the ratification of this Constitution, or any that may be hereafter created, whenever, in their opinion, it may be injurious to the citizens of this State; in such manner, however, that no injustice shall be done to the stockholders.

Mr. Graham of Montgomery, on behalf of the committee, offered the following amendment, which was adopted:

Amend Section 10 of Article on Corporations by inserting between the words "to" and "revoke" where the same occurs in the first line of such section, the following words, to-wit: "Alter, amend or."

On motion of Mr. Harrison, Section 10, as amended, was adopted.

## SECTION ELEVEN.

Was read at length as follows and adopted.

Sec. 11. Any association or corporation organized for the purpose of any individual shall have the right to construct and maintain lines of telegraph and telephone within this State, and connect the same with other lines, and the Legislature shall, by general law, of uniform operation, provide reasonable regulations to give full effect to this section. No telegraph or telephone company shall consolidate with or hold a controlling interest in the stock or bonds of any other telegraph or telephone company owning a competing line, or acquire, by purchase or otherwise, any other competing line of telegraph or telephone.

## SECTION TWELVE.

Was read at length as follows, and adopted:

Sec. 12. All corporations shall have the right to sue, and shall be subject to be sued, in all courts in like cases as natural persons.

## SECTION THIRTEEN.

Was read at length as follows, and adopted:

Sec. 13. The term "corporation," as used in this article, shall be construed to include all joint stock companies, or any associations having any of the powers or privileges of corporations not possessed by individuals or partnerships.

The following minority report was read at length as follows:

## SECTION THIRTEEN AND ONE-HALF.

Sec. 13½. After the ratification of the Constitution, no corporation, society, organization or association shall be allowed to charge or collect for, or upon the loan or forbearance of money, goods or things in action, either in the way of interest, fines, forfeitures, premiums, commissions or sums of money for the purchase of stock, bonds or any interest in the business of such corporation, society, organization or association, as a condition upon which such loan or forbearance is obtained or in any other way connected with such loan or forbearance, as a charge, a greater amount than the legal rate of interest provided for by the general laws of the State upon the loan of forbearance of money, goods or things in action and all such sums of money paid such corporation, society, organization or association in excess of the legal interest provided for by law, by whatever name called, shall be credited on the principal of the loan made by said corporation, society, organization or association, and every such loan made in Alabama shall be governed by the laws of this State.

## RECESS.

Pending the further consideration of the report of the Committee on Corporations, the hour of 1 o'clock arrived, under the rules the Convention recessed until 3:30 this afternoon.

## AFTERNOON SESSION.

The Convention met pursuant to adjournment.

## ROLL CALL.

On a call of the roll of the Convention the following delegates answered to their names, which constituted a quorum:

Messrs. President,	Dent,
Almon,	deGraffenried,
Ashcraft,	Duke,
Banks,	Eley,
Barefield,	Eyster,
Bartlett,	Espy,
Beavers,	Ferguson,
Beddow,	Fletcher,
Bethune,	Foshee,
Blackwell,	Foster,
Boone,	Glover,
Browne,	Graham (Montgomery),
Bulger,	Graham (Talladega),
Burnett,	Grayson,
Burns,	Haley,
Byars,	Handley,
Carmichael (Colbert),	Harrison,
Chapman,	Heflin (Chambers),
Cobb,	Heflin (Randolph),
Cofer,	Hodges,
Coleman (Greene),	Hood,
Cunningham,	Howell,
Davis (DeKalb),	Howze,
Davis (Etowah),	Inge,



Jackson,  
Jones (Bibb),  
Jones (Hale),  
Jones (Montgomery),  
Jones (Wilcox),  
Knight,  
Kyle,  
Ledbetter,  
Lomax,  
Long (Butler),  
Long (Walker),  
Macdonald,  
McMillan (Baldwin),  
McMillan (Wilcox),  
Martin,  
Merrill,  
Miller (Wilcox),  
Murphree,  
Norman,  
Norwood,  
Oates,  
O'Neal (Lauderdale),  
Opp,  
Parker (Cullman),  
Pettus,  
Pillans,  
Reese,

Reynolds (Chilton),  
Reynolds (Henry),  
Rogers (Sumter),  
Sanford,  
Searcy,  
Selheimer,  
Sentell,  
Sloan,  
Smith (Mobile),  
Smith, Mac. A.,  
Spears,  
Studdard,  
Tayloe,  
Thompson,  
Vaughan,  
Waddell,  
Walker,  
Watts,  
Weakley,  
White,  
Whiteside,  
Williams (Barbour),  
Williams (Marengo),  
Williams (Elmore),  
Wilson (Clarke),  
Wilson (Washington).  
Winn—102.

#### QUESTION OF PERSONAL PRIVILEGE.

Messrs. Long of Walker, and Walker arose to questions of personal privilege, and proceeded to state their questions of personal privilege.

#### PRIVILEGES OF THE FLOOR.

The privileges of the floor were extended to Hon. T. L. Kennedy and Hon. Mr. Huey.

## UNFINISHED BUSINESS.

The Convention proceeded to the consideration of the unfinished business, which was the report of the Committee on Corporations.

The question recurred upon the adoption of the minority report, Section 13½.

Mr. Graham of Montgomery moved to table the minority report (Section 13½.)

The motion to table prevailed: Yeas, 74; nays, 35.

## YEAS.

Messrs. President,	Jones (Bibb),
Almon,	Jones (Hale),
Ashcraft,	Jones (Montgomery),
Banks,	Jones (Wilcox),
Beddow,	Ledbetter,
Bethune,	Lomax,
Blackwell,	Long (Walker),
Brooks,	McMillan (Baldwin),
Browne,	McMillan (Wilcox),
Burnett,	Martin,
Burns,	Merrill,
Cobb,	Miller (Wilcox),
Cunningham,	Norman,
Davis (Etowah),	Norwood,
Dent,	Oates,
deGraffenried,	O'Neal (Lauderdale),
Espy,	Opp,
Ferguson,	Parker (Cullman),
Foster,	Parker (Elmore),
Graham (Montgomery),	Pearce,
Grant,	Pettus,
Grayson,	Phillips,
Haley,	Pillans,
Handley,	Pitts,
Harrison,	Reese,
Hood,	Reynolds (Henry),
Howze,	Rogers (Lowndes),
Inge,	Rogers (Sumter),
Jenkins,	Sanders,

Searcy,  
Selheimer,  
Smith (Mobile),  
Smith, Mac. A.,  
Stewart,  
Studdard,  
Tayloe,  
Thompson,

Vaughan,  
Walker,  
Weakley,  
Weatherly,  
White,  
Williams (Marengo)  
Wilson (Clarke)  
Wilson (Washington)—74.

## NAYS.

Messrs. Barefield,  
Bartlett,  
Boone,  
Bulger,  
Byars,  
Carmichael (Colbert),  
Chapman,  
Coleman (Greene),  
Davis (DeKalb),  
Duke,  
Fletcher,  
Foshee,  
Glover,  
Heffin (Chambers),  
Heffin (Randolph),  
Hodges,  
Howell,  
Jackson,

Kyle,  
Long (Butler),  
Macdonald,  
Malone,  
Moody,  
Murphree,  
Proctor,  
Reynolds (Chilton),  
Sanford,  
Sentell,  
Sorrell,  
Spears,  
Spragins,  
Waddell,  
Whiteside,  
Williams (Barbour),  
Winn—35.

## PAIRS ANNOUNCED.

The following pairs were announced :

Messrs. Eyster and Cofer, Ely and Locklin. Messrs. Eyster and Ely would vote aye; and Messrs. Cofer and Locklin would vote nay.

## SECTION FOURTEEN.

Was read at length as follows, and adopted :

Sec. 14. All railroads and canals shall be public highways, and all railroad and canal companies shall be

common carriers. Any association or corporation organized for the purpose shall have the right to construct and operate a railroad between any points in this State, and connect at the State line with railroads of other States. Every railroad company shall have the right with its road to intersect, connect with, or cross any other railroad, and shall receive and transport, each, the others freight, passengers and cars, loaded or empty, without delay or discrimination.

#### SECTION FIFTEEN.

Was read at length as follows:

Sec. 15. The power and authority of regulating railroad freights and passenger tariffs, the location and building of passenger and freight depots, correcting abuses and preventing unjust discriminations and extortion and requiring reasonable and just rates of freight and passenger tariffs, are hereby conferred upon the Legislature; whose duty it shall be to pass laws from time to time regulating freight and passenger tariffs to prohibit unjust discriminations on the various railroads, canals and rivers of this State, and prohibit charging other than just and reasonable rates, and enforce the same by adequate penalties.

Mr. Sanford offered the following amendment to Section 15:

Amend Section 15 by striking out the words "conferred upon the Legislature" in the fourth line of said section, and inserting in lieu thereof the words "conferred upon the railroad companies." And also to strike out the remainder of the section beginning at the words "whose duty it shall be" in the fourth line of said section.

Mr. Kyle offered the following substitute for the amendment offered by Mr. Sanford:

Amend Section 15, in line five, strike out the following words, "from time to time regulating," and insert in lieu thereof the following, "at its first session after the ratification of this Constitution, and from time to time thereafter authorizing the Railroad Commissioners of the State to regulate."

On motion of Mr. deGraffenried the substitute and amendment were laid upon the table.

Section 15 was thereupon adopted.

#### SECTION SIXTEEN.

Was read at length as follows:

Sec. 16. No railroad or other transportation company or corporation shall grant free passes or sell tickets or passes at a discount other than as sold to the public generally, to any member of the Legislature, or to any officer exercising judicial functions under the laws of this State and any such member or officer receiving such pass or ticket for himself or procuring the same for another, shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding \$500, and at the discretion of the court trying the case in addition to such fine may be imprisoned for a term not exceeding six months; and upon conviction shall be subject to impeachment, and removal from office.

The courts having jurisdiction shall give this law specially in charge to the Grand Juries, and when the evidence is sufficient to authorize an indictment the Grand Jury must present a true bill.

Any county into or through which such member or officer is transported by the use of such prohibited pass or ticket, shall have jurisdiction of the case; provided only one prosecution shall be had for the same offense; and provided further, that the trial and judgment for an offense shall not bar a prosecution for another offense when the same pass or ticket is used; and provided further that nothing herein shall prevent a member of the Legislature who is a bona fide employe of a railroad or other transportation company or corporation at the time of his election from accepting or procuring for himself or another, not a member of the Legislature or officer exercising judicial functions, a free pass over the railroad and other transportation company or corporation by which he is employed.

Mr. Vaughan offered the following amendment to Section 16:

Amend Section 16 by adding after the word "Legislature" on line three, the following, "members of municipal councils"; also by adding after the word "Legislature" on line seventeen. the following, "or members of municipal councils."

Mr. Blackwell offered the following amendment to the amendment offered by Mr. Vaughan:

Amend Section 16 by striking out after the word "himself" in line eighteen, the following words "or another, not a member of the Legislature, or officer exercising judicial functions."

Mr. Opp moved to table the amendment of Mr. Vaughan and the amendment to the amendment offered by Mr. Blackwell.

The motion prevailed and the amendment to the amendment was laid upon the table.

Mr. Long of Walker moved to table Section 16.

The motion was lost.

On motion of Mr. Harrison Section 16, as originally reported was adopted.

#### ADJOURNMENT.

Pending the further consideration of the report of the Committee on Corporations, the hour of 7 o'clock having arrived, under the rules the Convention adjourned until 9 o'clock to-morrow morning.

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### SEVENTY-SIXTH DAY.

#### CONVENTION HALL.

Montgomery, Ala., Tuesday, August 20. 1901.

The Convention met pursuant to adjournment.

Prayer was offered by Rev. Mr. Marshal of the city.

#### ROLL CALL.

On a call of the roll of the Convention, the following delegates answered to their names, which constituted a quorum:

Messrs. President,  
Almon,  
Ashcraft,  
Banks,  
Barefield,  
Bartlett,  
Beddow,  
Bethune,  
Blackwell,  
Boone,  
Brooks,  
Brown,  
Bulger,  
Burnett,  
Byars,  
Carmichael (Colbert),  
Cobb,  
Coleman (Greene),  
Craig,  
Cunningham,  
Davis (DeKalb),  
Davis (Etowah),  
Dent,  
deGraffenried,  
Duke,  
Eley,  
Espy,  
Ferguson,  
Fletcher,  
Foshee,  
Foster,  
Glover,  
Graham (Talladega),  
Grant,  
Grayson,  
Greer (Calhoun),  
Haley,  
Handley,  
Harrison,  
Heffin (Chambers).

Heffin (Randolph),  
Henderson,  
Hodges,  
Hood,  
Howell,  
Howze,  
Inge,  
Jackson,  
Jenkins,  
Jones, (Bibb),  
Jones (Hale),  
Jones (Montgomery),  
Jones (Wilcox),  
Knight,  
Kyle,  
Long (Walker),  
Lowe (Jefferson),  
McMillan (Wilcox),  
Malone,  
Martin,  
Maxwell,  
Merrill,  
Moody,  
Mulkey,  
Murphree,  
Norman,  
Norwood,  
Oates,  
Opp,  
Palmer,  
Parker (Cullman),  
Pearce,  
Pettus,  
Phillips,  
Pillans,  
Pitts,  
Porter,  
Proctor,  
Reese,  
Reynolds (Chilton),

Rogers (Lowndes),	Studdard,
Rogers (Sumter),	Tayloe,
Samford,	Thompson,
Sanders,	Vaughan,
Sanford,	Waddell,
Searcy,	Walker,
Selheimer,	Watts,
Sentell,	Weakley,
Sloan,	Weatherly,
Smith (Mobile),	White,
Smith, Mac. A.	Whiteside,
Smith, Morgan M.,	Williams (Barbour),
Sorrell,	Williams (Marengo).
Spragins,	Wilson (Clarke),
Stewart,	Wilson Washington)—105.

## LEAVES OF ABSENCE.

Was granted to Messrs. Hinson, Lowe of Lawrence for to-day; Craig for yesterday; Willett indefinitely; Freeman yesterday and to-day; Samford and Henderson for yesterday, and to Mr. Coleman of Greene indefinitely.

## REPORT OF COMMITTEE ON THE JOURNAL.

The chairman of the Committee on the Journal submitted the following report, which was concurred in:

The Committee on the Journal beg leave to report that they have examined the Journal for the seventy-fifth day of the Convention, and that the same is correct.

Respectfully submitted,

JOHN F. PROCTOR, *Chairman*.

## STENOGRAPHIC REPORT.

Messrs. Sanford, Harrison and Opp called the attention of the Convention to certain errors in the stenographic report of the proceedings of yesterday.

The report was ordered corrected.



## RESOLUTIONS ON FIRST READING.

The following resolutions were introduced, severally read one time at length, and referred to appropriate committees, as follows:

Resolution 316, by Mr. Pettus:

Resolved, That the Committee on Order, Consistency and Harmony of the Whole Constitution be and they are hereby instructed to report to this Convention, as a part of the Constitution to be adopted, the following section, to be properly numbered, by the committee:

Sec. —. Persons who are not citizens of the United States or who are not descended from a father and a mother belonging to the white race, shall not be eligible to any office under the Constitution and laws of Alabama, except the office of policeman or deputy sheriff.

The resolution was referred to the Committee on Rules.

Resolution 317, by Mr. Parker, of Elmore:

Whereas, Thomas W. Coleman, whose services as chairman of the Committee on Suffrage and Elections especially has been of inestimable value to this Convention, and whose age, experience and wisdom have entitled him by common consent the Nestor of the Convention, has taken indefinite leave of absence, for a much needed rest, and this Convention may not have the benefit of his wise counsel or the pleasure of greeting him again; now therefore, be it

Resolved: First, That this Convention hereby expresses its high appreciation of his great services to the State of Alabama in the formation of the proposed Constitution;

Second, That we commend him and his posterity to the people of Alabama, for the purity of his motives, his distinguished ability and lofty patriotism which has characterized his long service to the State, and especially the self-sacrifice that he has freely made as a member of this Convention.

Third, That this Convention hereby tenders to him individually and collectively their generous regards for his future welfare and express the hope that in a green old

age the lines may continue to fall about him in pleasant places, and that he may live to realize the full fruition of the hope that his beloved State may see apples of gold and pictures of silver from the tree of the Constitution that he has helped to plant.

Resolution 318, by Mr. Craig:

Resolved, That the thanks of this Convention are due and are hereby tendered to the publishers of *The Mobile Register* and *Tuskegee News* for their courtesy in supplying the members of this Convention daily with a copy of those papers.

The resolution was adopted.

#### REPORT OF COMMITTEE ON ENGROSSMENT.

Mr. Samford, chairman of the Committee on Engrossment, submitted the following report:

*Mr. President:*

Your committee on Engrossment reports that they have examined the Article on Education and find the same correct.

Respectfully submitted,

WM. H. SAMFORD, *Chairman.*

The Article on Education was read a third time at length as follows, and adopted: Yeas, 101; nays, 9.

#### ARTICLE —

##### EDUCATION.

Section 1. The General Assembly shall establish, organize and maintain a liberal system of public schools throughout the State for the benefit of the children thereof between the ages of 7 and 21 years. The public school fund shall be apportioned to the several counties in proportion to the number of school children of school age therein, and shall be so apportioned to the schools in the districts or townships in the county as to provide, as nearly as practicable, school terms of equal

duration in such school districts or townships. Separate schools shall be provided for white and colored children and no child of either race shall be permitted to attend a school of the other race.

Sec. 2. The principal of all funds arising from the sale or other disposition of lands or other property, which has been or may hereafter be granted or entrusted to this State or given by the United States for educational purposes, shall be preserved inviolate and undiminished; and the income arising therefrom shall be faithfully applied to the specific object of the original grants or appropriations.

Section 3. All lands or other property given by individuals, or appropriated by the State for educational purposes, and all estates of deceased persons, who die without leaving a will or heir, shall be faithfully applied to the maintenance of the public schools.

Sec. 4. All poll taxes levied and collected in this State shall be applied to the support of the public schools in the respective counties where levied and collected.

Sec. 5. The income arising from the Sixteenth Section trust fund, the surplus revenue fund, until it is called for by the United States government, and the funds enumerated in Sections 3 and 4 of this Article, together with the special annual tax of 30 cents on each \$100 dollars of taxable property in this State shall be applied to the support and maintenance of the public schools and it shall be the duty of the General Assembly to increase, from time to time, the public school fund as the necessity therefor and the condition of the treasury and the resources of the State may justify. Provided, that nothing herein contained shall be so construed as to authorize the General Assembly to levy in any one year a greater rate of taxation than 65 cents on each \$100 worth of taxable property; and provided further, that nothing herein contained shall prevent the Legislature from first providing for the payment of the State's bonded indebtedness and interest thereon out of all of the revenues of the State.

Sec. 6. Not more than 4 per cent. of all moneys raised or which may hereafter be appropriated for the support of public schools, shall be used or expended otherwise than for the payment of teachers employed in such schools; provided, that the General Assembly may, by a vote of two-thirds of each House, suspend the operation of this section.

Sec. 7. The supervision of the public schools of the State shall be vested in a Superintendent of Education, whose powers, duties and compensation shall be fixed by law.

Sec. 8. No money raised for the support of the public schools of the State shall be appropriated to or used for the support of any sectarian or denominational school.

Sec. 9. The Agricultural and Mechanical College now called the Alabama Polytechnic Institute, shall be under the management and control of a Board of Trustees. The Board for the Agricultural and Mechanical College shall consist of two members from the Congressional district in which the college is located and one from each of the other Congressional districts in the State, said Trustees shall be appointed by the Governor by and with the advice and consent of the Senate, and shall hold office for a term of six years and until their successors shall be appointed and qualified. After the first appointment the Board shall be divided into three classes, as nearly equal as may be. The seats of the first class shall be vacated at the expiration of two years, and those of the second class in four years, and those of the third class at the end of six years from the date of appointment, so that one-third may be chosen biennially. No Trustee shall receive any pay or emolument other than his actual expenses incurred in the discharge of his duties as such. The Governor shall be ex-officio President, and the Superintendent of Education ex-officio member of said Board of Trustees.

“The State University shall be under the management and control of a Board of Trustees, which shall consist of two members from the Congressional district in which the University is located, and one from each of the other Congressional districts in the State; and the Superin-

tendent of Education, and the Governor, who shall be ex-officio president of the Board. The members of the Board of Trustees now existing shall hold office until their respective terms expire under existing law, and until their successors shall be elected and confirmed as hereinafter required. When the term of any member of such board shall expire, the remaining members of the board shall, by secret ballot, elect his successor. At every meeting of the Legislature the Superintendent of Education shall certify to the Senate the names of all who shall have been so elected since the last session of the Legislature, and the Senate shall confirm or reject them, as it shall determine as for the best interest of the University. If it reject the names of any members, it shall thereupon elect trustees in the stead of those rejected. The trustees who shall hereafter be elected and confirmed shall hold office for a term of six years from the date of their confirmation or election by the Senate, and until their successors shall be elected and confirmed. No trustee shall receive any pay or emolument other than his actual expenses incurred in the discharge of his duties as such. No Trustee shall hold office for more than twelve successive years.

Sec. 10. The General Assembly shall have no power to change the location of the State University or the Agricultural and Mechanical College, or the institutions for deaf and blind, or the Alabama Girls' Industrial School, as now established by law, except upon a vote of two-thirds of the General Assembly, taken by yeas and nays and entered upon the Journals.

Sec. 11. The General Assembly shall provide for taking a school census by townships and districts throughout the State not oftener than once in two years, and shall provide for the punishment of all persons or officers making false and fraudulent enumerations and returns; provided, the State Superintendent may order and supervise the taking of a new census in any township, district or county, whenever he may have reasonable cause to believe that false or fraudulent returns have been made.

Sec. 12. The several counties in this State shall have power to levy and collect a special tax not exceeding 10

cents on each \$100 of taxable property in such counties, for the support of public schools; provided, that the rate of such tax, the time it is to continue, and the purpose thereof shall have been first submitted to a vote of the qualified electors of the county and voted for by three-fifths of those voting at such election; but the rate of such special tax shall not increase the rate of taxation, State and county combined, in any year, more than \$1.25 on each \$100 of taxable property; excluding, however, all special county taxes for public buildings, roads, bridges and payment of debts existing at the ratification of the Constitution of 1875 for which special county taxes not exceeding one-fourth of one per cent. may be levied and collected; provided, that such funds so raised shall be so apportioned and paid through the proper school officials to the several schools in the township and districts in said county, that the school terms of the respective schools shall be extended by such supplement as nearly the same length of time as practicable, and, provided, that the provisions of this section shall not apply to the cities of Decatur, New Decatur and Cullman. The General Assembly shall provide for carrying the provisions of this section into effect.

Sec. 13. The provisions of this article and of any act of the General Assembly passed in pursuance thereof to establish, organize and maintain a system of public schools throughout the State, shall apply to Mobile county only so far as to authorize and require the authorities designated by law to draw the portions of the funds to which said county shall be entitled for school purposes, and to make reports to the Superintendent of Education as may be prescribed by law. And all special incomes and powers of taxation, as now authorized by law for the benefit of public schools in said county, shall remain undisturbed until otherwise provided by the General Assembly; provided, that separate schools for each race shall always be maintained by said school authorities.

Sec. 14. After the ratification of this Constitution there shall be paid out of the Treasury of this State at the time and in the manner provided by law, the sum of

not less than \$36,000 per annum as interest on the funds of the University of Alabama heretofore covered into the Treasury for the maintenance and support of said institution; provided, that the Legislature shall have the power, at any time they deem it proper for the best interests of said University, abolish the military system at said institution or reduce the said system to a department of instruction, and that such action on the part of the Legislature shall not cause any diminution of the amount of the annual interest payable out of the Treasury for the support and maintenance of said University.

## YEAS.

Messrs. President,	Glover,
Almon,	Graham (Talladega),
Ashcraft,	Grant,
Banks,	Grayson,
Barefield,	Greer (Calhoun),
Bartlett,	Haley,
Beavers,	Handley,
Beddow,	Harrison,
Bethune,	Heflin (Chambers),
Blackwell,	Heflin (Randolph),
Boone,	Henderson,
Brooks,	Hood,
Browne,	Howell,
Bulger,	Howze,
Burnett,	Inge,
Carmichael (Colbert),	Jackson,
Chapman,	Jones (Bibb),
Cobb,	Jones (Hale),
Coleman (Greene),	Jones (Wilcox),
Cunningham,	Knight,
Davis (DeKalb),	Ledbetter,
Davis (Etowah),	Lomax,
deGraffenried,	Long (Walker),
Duke,	Lowe (Jefferson),
Eley,	Macdonald,
Espy,	McMillan (Baldwin),
Ferguson,	McMillan (Wilcox),
Fletcher,	Malone,
Foster,	Martin,

Maxwell,  
Merrill,  
Miller (Wilcox),  
Murphree,  
Norman,  
Norwood,  
Opp,  
Palmer,  
Parker (Cullman),  
Parker (Elmore),  
Pearce,  
Pettus,  
Pilius,  
Pitts,  
Proctor,  
Reese,  
Reynolds (Chilton),  
Reynolds (Henry),  
Rogers (Sumter),  
Samford,  
Sanders,  
Sanford,

Searcy,  
Selheimer,  
Sentell,  
Sloan,  
Smith (Mobile),  
Smith, Mac. A.,  
Smith, Morgan M.,  
Sorrell,  
Spragins,  
Stewart,  
Tayloe,  
Thompson,  
Vaughan,  
Waddell,  
Walker,  
Weakley,  
Weatherly,  
White,  
Williams (Marengo),  
Wilson (Clarke),  
Winn—101.

**NAYS.**

Messrs. Byars,  
Dent,  
Foshee,  
Kyle,  
Phillips,

Porter,  
Snears,  
Watts,  
Whiteside—9.

**RECONSIDERATION.**

Mr. Brooks moved to reconsider the vote by which Section 16 of the Article on Corporations was adopted.

On motion of Mr. Opp the motion of Mr. Brooks was laid upon the table.

**RESOLUTION.**

Mr. Howze offered the following resolution, and moved that the rules be suspended to place the resolution upon its immediate passage:



**Resolution 415, by Mr. Howze:**

Whereas, The Convention has about completed its labors, with the exception of action upon the report of the Committee on the Order, Consistency and Harmony of the Whole Constitution, and

Whereas, It is uncertain when this report can be made and acted upon, and it is important that such action should be taken by this Convention as will be the most economical and best to facilitate the work of the Convention;

Therefore, be it resolved, That a committee of five be appointed, consisting of the President and four other members named by him, whose duty it shall be to investigate and report whether it will be best for the Convention to remain in session until the Committee on Order, Consistency and Harmony shall make its report, or to adjourn to some future day; said committee is authorized to report such course as it may deem best for this Convention to adopt in the premises.

Mr. Watts offered the following substitute for the resolution offered by Mr. Howze:

Be it resolved that the Committee on Harmony be and they are hereby instructed to report to this Convention the articles passed on by them, and that this Convention proceed to consider said report.

Mr. deGraffenried offered the following substitute for the original resolution and the substitute offered by Mr. Watts:

Resolved, That this Convention, upon the completion of the business now on the calendar, recess until Wednesday, the 28th day of August, at 12 o'clock, midday; that during such recess no member shall be allowed pay except the members of the Committee on Order, Harmony and Consistency of the Whole Constitution and the clerical force of this Convention, but that each member be allowed mileage of 5 cents per mile each way to and from his home.

Mr. Reese moved that the original resolution and pending amendments be referred to the Committee on Rules.

On motion of Mr. Harrison the motion of Mr. Reese was laid upon the table.

By unanimous consent the substitute offered by Mr. Watts was withdrawn.

On motion of Mr. Lowe of Jefferson the substitute offered by Mr. deGraffenried was laid upon the table.

The question recurred upon the adoption of the original resolution as introduced.

The resolution was adopted.

#### APPOINTMENT OF COMMITTEE.

Under the resolution set out above the President announced the following committee: Messrs. Howze, deGraffenried, W. T. Sanders, T. H. Watts.

#### UNFINISHED BUSINESS.

The Convention proceeded to the consideration of the unfinished business, which was the report of the Committee on Corporations.

#### SECTION SEVENTEEN.

Was read at length as follows, and adopted:

Sec. 17. No railroad company shall give or pay any rebate or a bonus in the nature thereof, directly or indirectly, or do any act to mislead or deceive the public as to the real rates charged or received for freights or passage; and any such payments shall be illegal and void, and these prohibitions shall be enforced by suitable penalties.

#### SECTION EIGHTEEN.

Was read at length as follows:

Sec. 18. Rights, privileges and easements for public utilities over, along and under the streets of incorporated cities and towns shall not be granted, except by the proper legal authorities of such incorporated cities and towns.

On motion of Mr. Harrison Section 18 was stricken out.

## SECTION NINETEEN.

Was read at length as follows, and adopted :

Sec. 19. No railroad, canal or other transportation company in existence at the time of the ratification of this Constitution, shall have the benefit of any future legislation, by general or special laws, other than in execution of a trust created by law or by contract, except on the condition of complete acceptance of all provisions of this article.

Mr. Thompson offered the following amendment, to constitute a new section to the Article on Corporations:

Amend report of Committee on Corporations by adding the following section:

Sec. —. No person, firm or corporation engaged in mining shall have the authority to condemn a passage or right of way under the lands of another for more than 500 feet in length along section or quarter section lines.

On motion of Mr. Long of Walker the amendment was laid upon the table.

Mr. Sanford offered the following amendment, to constitute a new section to the Article on Corporations:

No municipality or incorporated cities and towns shall grant a franchise or enter into a contract, which may continue for fifty years without first submitting such franchise or contract to the qualified electors of such cities, towns or municipalities, at an election expressly held for this purpose, and unless a majority of such electors shall affirmatively approve by their votes such franchise, grant or contract, the same shall not be granted or made, and all franchises, grants or contracts not so approved shall be null and void.

On motion of Mr. Weakley the amendment was laid upon the table.

Mr. White offered the following amendment, to constitute a new section:

Amend Article on Corporations by adding an additional section thereto as follows:

Sec. —. A Railroad Commission is hereby created, consisting of a president and two associates, one of said Commissioners shall be learned in the law, and one of

experience in railroad business, all of whom shall be elected by the qualified electors of this State. The term of office of said Commissioners shall be four years and shall begin at the expiration of the terms of office of the present Railroad Commissioners. One of the commissioners shall be elected at the general election in 1902, and every four years thereafter; and the other two at the general election in 1904, and every four years thereafter. Their compensation shall be fixed by the Legislature and paid as other State officers, and their duties shall be to carry out the provisions of this Constitution and all laws enacted relating to the transportation of freight and passengers by railroads in this State, and to discharge such other duties and to exercise such other power as may be conferred upon them by law.

No person owning any stock or other interests in any railroad, or who is the agent or employee of any railroad, corporation or company, shall be eligible to the office of Railroad Commissioner.

On motion of Mr. Murphree the amendment was laid upon the table.

Mr. Graham of Montgomery offered the following amendment to Section 1 of the Article on Corporations, which was adopted by unanimous consent:

Amend Section 1, report of Committee on Corporations, by adding to Section 1 the following:

“But strictly benevolent, educational or religious corporations shall not be required to pay such tax.”

On motion of Mr. Harrison the article was ordered engrossed for a third reading and adoption.

Mr. White moved to reconsider the vote by which the article was ordered engrossed for a third reading and adoption.

Mr. Williams of Marengo moved that the motion to reconsider be indefinitely postponed.

The motion to indefinitely postpone prevailed: Yeas, 78; nays, 39.

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JOURNAL OF ALABAMA

YEAS.

Messrs. President,	Long (Butler),
Barefield,	Long (Walker),
Bartlett,	Macdonald,
Blackwell,	McMillan (Wilcox),
Browne,	Martin,
Bulger,	Miller (Wilcox),
Burnett,	Murphree,
Byars,	Norwood,
Carmichael (Colbert),	O'Neal (Lauderdale),
Cobb,	Opp,
Cofer,	Palmer,
Coleman (Greene),	Parker (Cullman),
Cornwell,	Parker (Elmore),
Craig,	Pearce,
Cunningham,	Phillips,
Davis (DeKalb),	Pillans,
Davis (Etowah),	Pitts,
Dent,	Proctor,
deGraffenried,	Reynolds (Henry),
Ferguson,	Rogers (Lowndes),
Foster,	Rogers (Sumter),
Glover,	Samford,
Graham (Montgomery),	Searcy,
Graham (Talladega),	Sentell,
Grant,	Sorrell,
Grayson,	Stewart,
Greer (Calhoun),	Studdard,
Haley,	Tayloe,
Harrison,	Vaughan,
Heflin (Chambers),	Waddell,
Heflin (Randolph),	Watts,
Hood,	Weakley,
Howell,	Weatherly,
Howze,	White,
Inge,	Williams (Barbour),
Jenkins,	Williams (Marengo),
Jones (Montgomery),	Wilson (Clarke)
Jones (Wilcox),	Wilson (Washington),
Knight,	Winn—78.

NAYS.

Messrs. Ashcraft,	Lomax,
Banks,	McMillan (Baldwin);
Beddow,	Malone,
Bethune,	Maxwell,
Brooks,	Merrill,
Burns,	Moody,
Chapman,	Norman,
Dent,	Oates,
Eley,	Pettus,
Espy,	Porter,
Fletcher,	Reese,
Foshee,	Sanford,
Handley,	Selheimer,
Henderson,	Sloan,
Hodges,	Smith, Mac. A.,
Jackson,	Spears,
Jones (Bibb),	Spragins,
Jones (Hale),	Thompson,
Kyle,	Walker—39.
Ledbetter,	

SPECIAL ORDER.

The Convention proceeded to the consideration of the special order, which was the amendment offered by Mr. Watts to the Article on Legislative Department, and the substitute for the amendment offered by Mr. Burns.

The amendment and the substitute were read at length as follows:

Amendment to Article on Legislative Department, by Mr. Watts:

Amend Section 17, report of the Legislative Committee, by adding thereto the following words, viz.: "No negro shall be permitted to hold office in this State."

Substitute for amendment offered by Mr. Watts, by Mr. Burns:

Substitute for amendment by Mr. Watts: "And no person, who is not a white qualified voter shall hold any office under this State."

On motion of Mr. Coleman of Greene the amendment and substitute above set out were laid upon the table.

#### REGULAR ORDER.

The Convention proceeded to the consideration of the regular order, which was ordinance 414.

The ordinance was read a third time at length as follows, and adopted: Yeas, 109; nays, 0.

Ordinance 414, by Mr. Watts:

An ordinance to provide for the succession in the office of Governor in event of his death, resignation, removal from office, disability or absence from the State, occurring prior to the next election of a President of the Senate and Speaker of the House.

Sec. 1. Be it ordained by the people of Alabama in Convention assembled, That in event the Governor dies, resigns, is removed or under disability or absent from the State for more than twenty days prior to the next election of a President of the Senate and a Speaker of the House, the powers and duties of the office shall devolve in the order named, upon Hon. D. J. Meador, the last President pro tem of the Senate; next upon the Hon. A. M. Tunstall, the last Speaker pro tem of the House; next upon the Attorney General; next upon the Auditor; next upon the Secretary of State; next upon the Treasurer; but the power and duties of the person exercising the office of Governor in lieu of the Governor shall cease and terminate whenever a President of the Senate and a Speaker of the House shall be elected at the next meeting of any General Assembly.

Sec. 2. Be it further ordained that this ordinance shall go into effect immediately.

#### YEAS.

Messrs. Ashcraft,  
Barefield,  
Bartlett,  
Beavers,  
Beddow,

Bethune,  
Blackwell,  
Brooks,  
Browne,  
Bulger,

Burnett,  
Burns,  
Byars,  
Carmichael (Colbert),  
Chapman,  
Cobb,  
Cofer,  
Cornwell,  
Craig,  
Cunningham,  
Dent,  
deGraffenried,  
Duke,  
Eley,  
Eyster,  
Espy,  
Ferguson,  
Fletcher,  
Foster,  
Glover,  
Graham (Montgomery),  
Grant,  
Grayson,  
Greer (Calhoun),  
Haley,  
Handley,  
Harrison,  
Heflin (Chambers),  
Heflin (Randolph),  
Henderson,  
Hood,  
Howell,  
Howze,  
Inge,  
Jackson,  
Jenkins,  
Jones (Bibb),  
Jones (Hale),  
Jones (Montgomery),  
Jones (Wilcox),  
Knight,

Kyle,  
Ledbetter,  
Lomax,  
Lowe (Jefferson),  
Macdonald,  
McMillan (Baldwin),  
McMillan (Wilcox),  
Martin,  
Maxwell,  
Merrill,  
Miller (Wilcox),  
Murphree,  
Norman,  
Norwood,  
Oates,  
O'Neal (Lauderdale),  
Opp,  
O'Rear,  
Palmer,  
Parker (Cullman),  
Parker (Elmore),  
Pearce,  
Pettus,  
Phillips,  
Pillans,  
Pitts,  
Porter,  
Proctor,  
Reese,  
Reynolds (Chilton),  
Reynolds (Henry),  
Rogers (Sumter),  
Samford,  
Sanders,  
Sanford,  
Searcy,  
Selheimer,  
Sentell,  
Sloan,  
Smith, Mac. A.,  
Smith, Morgan M.



Sorrell,  
Spears,  
Spragins,  
Stewart,  
Tayloe,  
Thompson,  
Waddell,  
Walker,  
Watts,

Weakley,  
Weatherly,  
White,  
Whiteside,  
Williams (Barbour),  
Williams (Marengo),  
Wilson (Washington),  
Winn—109.

On motion of Mr. Jones of Montgomery, the ordinance (414) was referred to the Committee on Order, Consistency and Harmony of the Whole Constitution, without engrossment or printing.

#### ORDINANCE 449.

The Convention proceeded to the consideration of the next regular order, which was ordinance 449.

The ordinance was read at length as follows:

Report of the Committee on Amending the Constitution and Miscellaneous Provisions:

*Mr. President:*

Your Committee on Amending the Constitution and Miscellaneous Provisions to which was referred ordinance No. 449, by Mr. Browne of Talladega, has instructed me to report favorably the said ordinance, with the following substitute for the same, which they recommend be adopted, the said substitute having been agreed upon in writing by those opposing and those favoring said ordinance No. 449.

Respectfully submitted,

J. M. FOSTER, *Chairman.*

An ordinance to repeal so much of ordinance No. 390 as amended and adopted by this Convention which applies to beats 8, 9 and 13 of Shelby county.

Be it ordained by the people of Alabama in Convention assembled, that the substitute for ordinance No. 390, to provide for the establishment of a court house and jail in St. Clair county, as amended by providing

for the establishment of a court house and jail in Shelby county, which has been adopted by this Convention, be and the same is hereby repealed, so far as the same applies to beats 8, 9 and 13 of Shelby county.

The substitute was adopted.

The question recurred upon the adoption of the ordinance as amended by the substitute.

The ordinance was adopted: Yeas, 98; nays, 2.

#### YEAS.

Messrs. President,	Fletcher,
Almon,	Foster,
Ashcraft,	Glover,
Banks,	Graham (Montgomery),
Barefield,	Graham (Talladega),
Beavers,	Grant,
Beddow,	Grayson,
Bethune,	Greer (Calhoun),
Blackwell,	Haley,
Boone,	Handley,
Brooks,	Harrison,
Browne,	Heflin (Chambers),
Burnett,	Heflin (Randolph),
Byars,	Henderson,
Carmichael (Coffee),	Hood,
Chapman,	Howell,
Cobb,	Howze,
Cofer,	Inge,
Craig,	Jackson,
Cunningham,	Jenkins,
Davis (DeKalb),	Jones (Bibb),
Davis (Etowah),	Jones (Montgomery),
Dent,	Jones (Wilcox),
deGraffenried,	Knight,
Duke,	Ledbetter,
Eley,	Lomax,
Eyster,	Lowe (Jefferson),
Espy,	Macdonald,
Ferguson,	McMillan (Baldwin),

McMillan (Wilcox),	Rogers (Sumter),
Martin,	Samford,
Miller (Wilcox),	Sanders,
Murphree,	Sanford,
Norman,	Searcy,
Norwood,	Selheimer,
Opp,	Sloan,
O'Rear,	Smith, Mac. A.
Palmer,	Smith, Morgan M.,
Parker (Cullman),	Sorrell,
Parker (Elmore),	Spears,
Pettus,	Spragins,
Phillips,	Vaughan,
Pillans,	Waddell,
Pitts,	Weakley,
Porter,	Weatherly,
Proctor,	White,
Reese,	Williams (Barbour),
Reynolds (Chilton),	Williams (Marengo),
Reynolds (Henry),	Winn—98.

## NAYS.

Messrs. Merrill,

Watts—2.

On motion of Mr. Browne the ordinance was referred to the Committee on Order, Consistency and Harmony of the Whole Constitution, without engrossment or printing.

## ORDINANCE 410.

The Convention proceeded to the consideration of the next regular order, which was ordinance 410, reported favorably with a substitute.

The report was read at length as follows:

Substitute by Committee on Judiciary for ordinance No. 410, viz.:

In all prosecutions for rape and assault with intent to rape, the court may, in its discretion, exclude from the court room all persons except such as may be necessary in the conduct of the trial.

The following is ordinance No. 410, by Mr. Reese:

Be it ordained by the people of Alabama, in Convention assembled:

Article —

Sec. —. In all prosecutions for rape, adultery, fornication and sodomy or crime against nature, the court may, in its discretion, exclude from the court room all persons except such as may be necessary in the conduct of the trial.

The substitute was adopted.

The question recurred upon the adoption of the ordinance 410 as amended by the substitute.

The ordinance was adopted: Yeas, 102; nays, 4.

YEAS.

Messrs. President,	Dent,
Almon,	deGraffenried,
Ashcraft,	Duke,
Banks,	Eley,
Barefield,	Eyster,
Bartlett,	Espy,
Beavers,	Ferguson,
Beddow,	Foster,
Bethune,	Glover,
Blackwell,	Graham (Montgomery),
Boone,	Graham (Talladega),
Brooks,	Grant,
Browne,	Grayson,
Bulger,	Greer (Calhoun),
Burnett,	Haley,
Burns,	Handley,
Byars,	Harrison,
Carmichael (Colbert),	Heflin (Chambers),
Chapman,	Heflin (Randolph),
Cobb,	Henderson,
Cofer,	Hodges,
Craig,	Hood,
Cunningham,	Howell,
Davis (DeKalb),	Howze,
Davis (Etowah),	Jackson,

Jenkins,  
 Jones (Bibb),  
 Jones (Hale),  
 Jones (Montgomery),  
 Jones (Wilcox),  
 Knight,  
 Kyle,  
 Lomax,  
 Macdonald,  
 McMillan (Baldwin),  
 McMillan (Wilcox),  
 Malone,  
 Martin,  
 Maxwell,  
 Merrill,  
 Murphree,  
 Norwood,  
 O'Neill (Jefferson),  
 Opp,  
 O'Rear,  
 Palmer,  
 Parker (Cullman),  
 Parker (Elmore),  
 Pearce,  
 Pettus,  
 Phillips,

Pillans,  
 Pitts,  
 Proctor,  
 Reese,  
 Reynolds (Chilton),  
 Reynolds (Henry),  
 Rogers (Sumter),  
 Sanders,  
 Sentell,  
 Sloan,  
 Smith, Mac. A.,  
 Smith, Morgan M.,  
 Sorrell,  
 Spragins,  
 Stewart,  
 Tayloe,  
 Thompson,  
 Waddell,  
 Walker,  
 Weakley,  
 White,  
 Williams (Barbour),  
 Williams (Marengo),  
 Wilson (Clarke),  
 Wilson (Washington),  
 Winn—102.

NAYS.

Messrs. Foshee,  
 Whiteside,

Spears,  
 Watts—4.

#### SUBSTITUTE FOR RULE 53.

The Convention proceeded to the consideration of the next regular order, which was the substitute reported by the Committee on Rules for rule 53.

The substitute was read at length as follows:

Amendment by Rules Committee:

Amend rule 53 so as to read as follows:

Rule 53. The Committee on Order, Consistency and Harmony of the Constitution shall report the proposed Constitution to the Convention, or any part or parts

thereof, from time to time as they may think proper, and the Constitution, or the parts thereof, so reported, shall be read and acted up, article by article, and submitted to a vote of the Convention; if a majority of the members present shall vote therefor, the same shall be adopted, but if amended in any particular, it shall be re-referred, with such amendments, to the said committee, who shall cause the article or articles amended, with such amendment so adopted, to be rewritten and report the same to the Convention for its action. When the Constitution shall have finally been adopted by the Convention it shall be enrolled, and when enrolled it shall be again read, and attested by the President and Secretary, and each delegate to the Convention shall personally sign his name thereto. The signature of the majority of the delegates present, or a majority of the Convention, shall constitute a sufficient attestation.

On motion of Mr. White the substitute was laid upon the table.

#### SCHEDULE, PRINTING AND INCIDENTAL EXPENSES.

Mr. Heflin, chairman of the Committee on Schedule, Printing and Incidental Expenses, called up the following report, which was adopted, and the President was authorized to draw a warrant on the Treasurer for the several amounts, in favor of the firms and individuals mentioned in the report.

*Mr. President:*

The Committee on Schedule, Printing and Incidental Expenses have instructed me to make the following partial report, viz.:

The committee has audited the accounts hereto attached and find that the State of Alabama is indebted to the Ed. C. Fowler Co., of Montgomery, Ala., in the sum of \$113.15.

We find that said State is indebted to the Brown Printing Co., of Montgomery, Ala., in the sum of \$464.45 for printing.

We find that said State is indebted to J. W. Terry of Montgomery, Ala., in the sum of \$5.00 for the use of a typewriter from July 24th to August 24th.

All of the above accounts are for printing done, and for articles furnished the State of Alabama for the use of the Constitutional Convention, and all of the above accounts are itemized as shown by bills hereto attached. Total amount \$582.60. And we recommend the payment of the same. All of which is respectfully submitted,

JOHN T. HEFLIN, *Chairman.*

#### REPORT OF STANDING COMMITTEES.

Mr. Heffin of Randolph, chairman of the Committee on Schedule, Printing and Incidental Expenses, submitted the following report, which was read at length as follows:

*Mr. President:*

The Committee on Schedule instructs me to make the following report:

The Committee on Schedule has carefully considered all of the provisions of the schedule of the Constitution of 1875, and no change is made in said article except in Section 3, 4, 7 and 8, and they here with report the attached article, which they recommend shall be adopted by this Convention as the Schedule of the new Constitution. All of which is respectfully submitted,

JOHN T. HEFLIN,

Chairman Committee on Schedule.

#### ARTICLE —

##### SCHEDULE.

In order that no injury or inconvenience may arise from the alterations and amendments made by this Constitution to the existing Constitution of this State, and to carry this Constitution into effect, it is hereby ordained and declared:

First—That all laws in force at the ratification of this Constitution and not inconsistent therewith, shall remain in full force, until altered and repealed by the Legislature; and all rights, actions, prosecutions, claims and

contracts of this State, counties, individuals or bodies corporate, not inconsistent with this Constitution, shall continue to be valid as if this Constitution had not been ratified.

Second—That all bonds executed by or to any officer of this State, all recognizances, obligations and all other instruments executed to this State, or any subdivision or municipality thereof, before the ratification of this Constitution, and all fines, taxes, penalties and forfeitures due and owing to this State, or any subdivision, or any municipality thereof; and all writs, suits, prosecutions, claims and causes of action, except as herein otherwise provided, shall continue and remain unaffected by the ratification of this Constitution. All indictments which may have been found, or which may hereafter be found, for any crime or offense committed before the ratification of this Constitution, shall be proceeded upon in the same manner as if this Constitution had not been ratified.

Third—That all the executive and judicial officers, and all other officers in this State, who shall have been elected at the election held in this State on the first day of August, 1898, or who may have been appointed since that time, and all members of the present General Assembly, and all that may hereafter be elected members of the present General Assembly, and all other officers holding office at the time of the ratification of this Constitution, shall continue in office and exercise the duties thereof until their respective terms shall expire, as provided by the present Constitution and laws of this State.

Fourth—This Constitution shall be submitted to the qualified electors of this State for ratification or rejection, as authorized and required by an act of the General Assembly of this State, entitled "an act to provide for holding a Convention to revise and amend the Constitution of this State," approved December the 11th, 1900.

Fifth—That instead of the publication as required by Sections 6 and 24 of an act to provide for holding a Convention to revise and amend the Constitution, the Governor of the State is hereby authorized to take such steps



as will give general publicity and circulation to this Constitution in an as economical manner as practicable.

Sixth—That the unexpired portion of the present terms of the Trustees of the State University shall not be computed as part of the twelve successive years for which, under the provisions of this Constitution, Trustees of the University may hold office, but members of the existing Board of Trustees may, if elected thereto, hold office as such Trustees for twelve successive years in addition to the unexpired portion of their present terms.

Seventh—The salaries of the Executive and Judicial and all other State officers of this State who may be holding office at the time of the ratification of this Constitution, and the pay of the present members of the General Assembly, shall not be affected by the provisions of this Constitution.

On motion of Mr. Heflin of Randolph the rules were suspended and the article reported by the Committee on Schedule, Printing and Incidental Expenses was taken up for adoption.

The article was read section by section and adopted: Yeas, 106; nays, 0.

## YEAS.

Messrs. President,  
Ashcraft,  
Barefield,  
Bartlett,  
Beavers,  
Beddow,  
Bethune,  
Blackwell,  
Brooks,  
Browne,  
Burns,  
Byars,  
Carmichael (Colbert),  
Chapman,  
Cobb,

Cofer,  
Cunningham,  
Davis (DeKalb),  
Davis (Etowah),  
Dent,  
deGraffenried,  
Duke,  
Eley,  
Evster,  
Espy,  
Ferguson,  
Fletcher,  
Foster,  
Glover,  
Graham (Montgomery),

Graham (Talladega),  
 Grant,  
 Grayson,  
 Greer (Calhoun),  
 Haley,  
 Handley,  
 Harrison,  
 Heflin (Chambers),  
 Heflin (Randolph),  
 Henderson,  
 Hodges,  
 Hood,  
 Howell,  
 Howze,  
 Inge,  
 Jackson,  
 Jones, (Bibb),  
 Jones (Hale),  
 Jones (Montgomery),  
 Jones (Wilcox),  
 Knight,  
 Ledbetter,  
 Lomax,  
 Long (Butler),  
 Lowe (Jefferson),  
 Lowe (Lawrence),  
 Macdonald,  
 McMillan (Baldwin),  
 McMillan (Wilcox),  
 Malone,  
 Martin,  
 Maxwell,  
 Merrill,  
 Miller (Wilcox),  
 Moody,  
 Murphree,  
 Norman,  
 Norwood,

Oates,  
 O'Neal (Lauderdale),  
 Opp,  
 O'Kear,  
 Palmer,  
 Parker (Cullman),  
 Parker (Elmore),  
 Pearce,  
 Pettus,  
 Phillips,  
 Pillans,  
 Pitts,  
 Porter,  
 Proctor,  
 Reese,  
 Rogers (Sumter),  
 Samford,  
 Sanders,  
 Sanford,  
 Searcy,  
 Selheimer,  
 Sentell,  
 Smith, Morgan M.,  
 Sorrell,  
 Spears,  
 Spragins,  
 Stewart,  
 Tayloe,  
 Thompson,  
 Vaughan,  
 Waddell,  
 Watts,  
 Weakley,  
 Weatherly,  
 Whiteside,  
 Williams (Marengo),  
 Wilson (Washington),  
 Winn—106.

On motion of Mr. Heflin of Randolph the report was ordered printed and referred to the Committee on Order, Consistency and Harmony of the Whole Constitution without engrossment.

Mr. Heflin of Randolph, chairman of the Committee on Schedule, Printing and Incidental Expenses, also submitted the following contract, and moved that the same be spread upon the Journal, and a copy of said contract be filed with the Secretary of State.

The motion prevailed.

The contract was read at length as follows:

*To the Honorable Committee on Schedule, Printing and Incidental Expenses—Gentlemen:*

We will print one thousand (1,000) copies of the Journal of the Constitutional Convention as follows:

On 50-lb book paper, same quality as that in the Supreme Court of Alabama Reports, and in the same style of type, (small pica) for 65 cents per page.

Will bind in full cloth one thousand (1,000) copies for 17 cents, lettered as may hereafter be decided. To be sewed on five bands. Cloth to be same as sample shown. (Publication of Morris' Papers, New Jersey).

THE BROWN PRINTING CO.

J. H. Crenshaw, Secy. and Treas.

We, the committee of the Constitutional Convention appointed and directed to contract for and let the printing and binding of the Journal of the said Convention hereby award the contract for the said printing and binding to the Brown Printing Co., in accordance with the bid hereinabove submitted and accepted by us.

JOHN T. HEFLIN,

Chairman Committee on Schedule, Printing and Incidental Expenses.

August 14, 1901.

Mr. Heflin of Randolph also reported without recommendation the following ordinance:

Ordinance 446, by Mr. Williams, of Marengo:

To provide for the indexing the stenographic report and for supplying members of the Convention therewith, and to repeal resolution No. 169, touching the same matter.

Be it ordained by the people of Alabama in Convention assembled, That resolution No. 169 heretofore passed by this Convention, be and the same is hereby repealed.

Be it further ordained, That the Secretary of this Convention shall immediately on the adjournment sine die of this Convention, contract with some reliable and competent person to make a full and complete index of the stenographic report of the proceedings of this Convention, and that for such services he shall be authorized to spend not exceeding the sum of one hundred and fifty (\$150) dollars, and said index shall be completed within sixty days after the adjournment of this Convention, and shall by the Secretary be placed in the hands of a reliable printer, who shall not make less than twelve hundred (1,200) copies thereof, and the contract entered into with such printer shall not exceed the sum of \$75, or so much of the same as may be necessary for the printing of the same.

The making of the index and the printing thereof shall be done under the supervision of the Secretary, who shall mail, or cause to be mailed, to each member of this Convention at their proper homes, not less than five copies of said index, and the Secretary shall place in the stenographic reports reserved for the use of the State one each of said indices.

Be it further ordained, That there is hereby appropriated out of any money in the State Treasury, not otherwise appropriated, the sums of money mentioned above for compensation for the services to be rendered, and when the Secretary certifies, under his hand, to the Auditor, that the work above mentioned has been fully completed, the Auditor shall draw his warrant upon the State Treasury for said amount in favor of the Secretary, who shall thereupon pay it over to the proper parties.

The ordinance was referred to the Committee on Schedule, Printing and Incidental Expenses.

Mr. Heflin of Chambers moved that the rules be suspended and that the ordinance 446 be taken up for adoption.

The motion to suspend the rules was lost.

REPORT OF THE COMMITTEE ON ENGROSSMENT.

*Mr. President:*

Your Committee on Engrossment has examined the Article on Militia and has found the same to be correctly engrossed.

WM. H. SAMFORD, *Chairman.*

ARTICLE ON THIRD READING.

The Article on Militia was taken up, read a third time at length, as follows, and adopted: Yeas, 109; nays, 0.

ARTICLE —

Section 1. The Legislature shall have the power to declare who shall constitute the militia of the State, and to provide for organizing, arming and disciplining the same; and the Legislature may provide for the organization of a State Naval Militia.

Sec. 2. The Legislature, in providing for the organization, equipment and discipline of the militia, shall conform as nearly as practicable to the regulations for the government of the armies of the United States.

Sec. 3. Each company and regiment shall elect its own company and regimental officers; but if any company or regiment shall neglect to elect such officers within the time prescribed by law, they may be appointed by the Governor.

Sec. 4. Volunteer organizations of infantry, cavalry, and artillery and naval militia may be formed in such manner and under such restrictions and with such privileges as may be provided by law.

Sec. 5. The militia and volunteer forces shall, in all cases, except treason, felony and breach of the peace, be privileged from arrest during their attendance at musters, parades and elections and in going to and returning from the same.

Sec. 6. The Governor shall, except as otherwise provided herein, be commander-in-chief of the militia and volunteer forces of the State, except when in the service of the United States, and shall, with the advice and consent of the Senate, appoint all general officers, whose terms of office shall be for four years. The Governor, the generals and regimental and batallion commanders shall appoint their own staffs, as may be provided by law.

Sec. 7. The Legislature shall provide for the safe-keeping of the arms, ammunition and accoutrements, military records, banners and relics of the State.

Sec. 8. The officers and men of the militia and volunteer forces shall not be entitled to or receive any pay, rations or emoluments when not in active service.

YEAS.

Messrs. President,	deGraffenried,
Almon,	Duke,
Ashcraft,	Eley,
Barefield,	Eyster,
Bartlett,	Espy,
Beavers,	Ferguson,
Beddow,	Foster,
Bethune,	Glover,
Blackwell,	Graham (Montgomery),
Boone,	Graham (Talladega),
Brooks,	Grant,
Browne,	Grayson,
Bulger,	Greer (Calhoun),
Burns,	Haley,
Byars,	Handley,
Chapman,	Heflin (Chambers),
Cobb,	Heflin (Randolph),
Cofer,	Henderson,
Craig,	Hood,
Cunningham,	Howell,
Davis (DeKalb),	Howze,
Davis (Etowah),	Inge,
Dent,	Jackson,

Jenkins,	Pillans,
Jones (Bibb),	Pitts,
Jones (Hale),	Proctor,
Jones (Montgomery),	Reese,
Jones (Wilcox),	Reynolds (Chilton),
Knight,	Reynolds (Henry),
Kyle,	Rogers (Lowndes),
Ledbetter,	Rogers (Sumter),
Lomax,	Samford,
Long (Butler),	Sanders,
Lowe (Jefferson),	Sanford,
Macdonald,	Searcy,
McMillan (Baldwin),	Sentell,
McMillan (Wilcox),	Smith, Mac. A.,
Malone,	Smith, Morgan M.,
Martin,	Sorrell,
Maxwell,	Spragins,
Merrill,	Stewart,
Miller (Wilcox),	Tayloe,
Murphree,	Thompson,
Norman,	Vaughan,
Norwood,	Waddell,
Oates,	Walker,
O'Neal (Lauderdale),	Watts,
Opp,	Weakley,
O'Rear,	White,
Palmer,	Williams (Barbour),
Parker (Cullman),	Williams (Marengo),
Parker (Elmore),	Wilson (Clarke),
Pearce,	Wilson (Washington).
Pettus,	Winn—109.
Phillips,	

## TO RECALL ORDINANCES FROM COMMITTEE.

Mr. deGraffenried moved to recall ordinance 426 from the Committee on Banks and Banking.

Mr. Fletcher moved to table the motion of Mr. deGraffenried.

The motion prevailed, and the motion of Mr. deGraffenried was laid upon the table.

## RECESS.

On motion of Mr. O'Neal of Lauderdale the Convention recessed until 3:30 o'clock this afternoon.

## AFTERNOON SESSION.

The Convention met pursuant to adjournment.

## ROLL CALL.

On a call of the roll of the Convention the following delegates answered to their names, which constituted a quorum :

Messrs. President,	Fletcher,
Banks,	Foshee,
Barefield,	Foster,
Bartlett,	Gilmore,
Beavers,	Glover,
Beddow,	Graham (Montgomery),
Bethune,	Graham (Talladega),
Blackwell,	Grant,
Brooks,	Grayson,
Browne,	Greer (Calhoun),
Bulger,	Haley,
Burnett,	Handley,
Byars,	Harrison,
Carmichael (Colbert),	Heflin (Chambers),
Chapman,	Heflin (Randolph),
Cobb,	Henderson,
Cofer,	Hodges,
Cornwell,	Hood,
Craig,	Howell,
Cunningham,	Howze,
Davis (Etowah),	Inge,
Dent,	Jenkins,
deGraffenried,	Jones, (Bibb),
Duke,	Jones (Montgomery),
Eley,	Jones (Wilcox),
Eyster,	Knight,



Kyle,	Reynolds (Chilton),
Ledbetter,	Reynolds (Henry),
Long (Walker),	Rogers (Lowndes),
Lowe (Jefferson),	Rogers (Sumter),
Lowe (Lawrence),	Samford,
Macdonald,	Sanders,
McMillan (Baldwin),	Sanford,
McMillan (Wilcox),	Searcy,
Martin,	Selheimer,
Maxwell,	Sentell,
Merrill,	Smith, Mac. A.,
Miller (Wilcox)	Smith, Morgan M.
Moody,	Sorrell,
Murphree,	Spragins,
Norman,	Stewart,
Norwood,	Studdard,
O'Neal (Lauderdale),	Thompson,
Opp,	Vaughan,
O'Rear,	Walker,
Palmer,	Watts,
Parker (Cullman),	Weakley,
Pearce,	White,
Pettus,	Whiteside,
Phillips,	Williams (Barbour),
Pitts,	Williams (Marengo),
Porter,	Wilson (Washington),
Proctor,	Winn—107.
Reese,	

#### REPORT OF THE COMMITTEE ON ENGROSSMENT.

Mr. Samford, chairman of the Committee on Engrossment, submitted the following report:

*Mr. President:*

Your Committee on Engrossment report that they have examined and compared the Article on Corporations, and find the same correctly engrossed.

WM. H. SAMFORD, *Chairman.*

The Article on Corporations was read at length as follows a third time, and adopted: Yeas, 99; nays, 8.

An ordinance to provide for the organization and regulation of corporations in the State of Alabama.

Be it ordained by the people of Alabama in Convention assembled, that Article XIV of the Constitution of 1875, except that portion thereof under the head of Banks and Banking, be stricken out and the following inserted in lieu thereof:

Section 1. The Legislature shall pass no special act conferring corporate powers, but it shall pass general laws under which corporations may be organized and corporate powers obtained; subject, nevertheless, to repeal at the will of the Legislature; and shall pass general laws under which charters may be altered or amended. The Legislature shall, by general law, provide for the payment to the State of Alabama of a franchise tax by corporations organized under the laws of this State, which shall be in proportion to the amount of capital stock. But strictly benevolent, educational or religious corporations shall not be required to pay such a tax. The charter of any corporation shall be subject to amendment, alteration or repeal under general laws.

Sec. 2. All existing charters under which a bona fide organization shall not have taken place, and business been commenced in good faith within twelve months from the time of the ratification of this Constitution, shall thereafter have no validity.

Sec. 3. The Legislature shall not remit the forfeiture of the charter of any corporation now existing nor alter or amend the same, nor pass any general or special law for the benefit of such corporation other than in execution of a trust created by law or by contract, except upon the condition that such corporation shall thereafter hold its charter subject to the provisions of this Constitution.

Sec. 4. No foreign corporation shall do any business in this State without having at least one known place of business, and an authorized agent or agents therein, and without filing with the Secretary of State a certified copy of its articles of incorporation or association. Such corporation may be sued in any county where it does business, by service of process upon an agent anywhere in the State. The Legislature shall, by general law,

provide for the payment to the State of Alabama of a franchise tax by such corporation, but based on actual amount of capital employed in this State. Strictly benevolent, educational or religious corporations shall not be required to pay such a tax.

Sec. 5. No corporation shall engage in any business other than that expressly authorized in its charter, or articles of incorporation.

Sec. 6. No corporation shall issue stocks or bonds except for money, labor done, or money or property actually received; and all fictitious increase of stock or indebtedness shall be void. The stock and bonded indebtedness of corporations shall not be increased except in pursuance of general laws, nor without the consent of the persons holding the larger amount in value of stock, first obtained at a meeting to be held after thirty days' notice given in pursuance of law.

Sec. 7. Municipal and other corporations and individuals invested with the privilege of taking property for public use, shall make just compensation to be ascertained as may be provided by law, for the property taken, injured or destroyed by the construction or enlargements of its works, highways or improvements, which compensation shall be paid before such taking, injury or destruction. The Legislature is hereby prohibited from depriving any person of an appeal from any preliminary assessment of damages against any such corporations or individuals made by viewers or otherwise, but such appeal shall not deprive the person who has obtained the judgment or condemnation from a right of entry, provided he shall have paid into court in money the amount of the damages assessed and shall have given bond in not less than double the amount of the damages assessed, with good and sufficient sureties to pay such damages as the property owner may sustain; and the amount of damages in all cases of appeals shall, on the demand of either party, be determined by a jury, according to law.

Sec. 8. Dues from private corporations shall be secured by such means as may be prescribed by law, but in no case shall any stockholder be individually liable

otherwise than for the unpaid stock owned by him or her.

Sec. 9. No corporation shall issue preferred stock without the consent of the owners of two-thirds of the stock of said corporation.

Sec. 10. The Legislature shall have the power to alter, amend or revoke any charter of incorporation now existing and revokable at the ratification of this Constitution, or any that may be hereafter created, whenever, in their opinion, it may be injurious to the citizens of this State, in such manner, however, that no injustice shall be done to the stockholders.

Sec. 11. Any association or corporation organized for the purpose, or any individual shall have the right to construct and maintain lines of telegraph and telephone within this State, and connect the same with other lines, and the Legislature shall, by general law of uniform operation, provide reasonable regulations to give full effect to this section. No telegraph or telephone company shall consolidate with or hold a controlling interest in the stock or bonds of any other telegraph or telephone company owning a competing line, or acquire, by purchase or otherwise, any other competing line of telegraph or telephone.

Sec. 12. All corporations shall have the right to sue, and shall be subject to be sued, in all courts in like cases as natural persons.

Sec. 13. The term "corporation" as used in this article, shall be construed to include all joint stock companies or any association having any of the powers or privileges of corporations, not possessed by individuals or partnerships.

#### RAILROADS AND CANALS.

Sec. 14. All railroads and canals shall be public highways, and all railroads and canal companies shall be common carriers. Any association or corporation organized for the purpose shall have the right to construct and operate a railroad between any points in this State, and connect at the State line, with railroads of other

States. Every railroad company shall have the right with its road to intersect, connect with, or cross any other railroad, and shall receive and transport each, the others freight, passengers and cars, loaded or empty, without delay or discrimination.

Sec. 15. The power and authority of regulating railroad freight and passenger tariffs, the location and building of passenger and freight depots, correcting abuses, and preventing unjust discrimination and extortion and requiring reasonable and just rates of freight and passenger tariffs, are hereby conferred upon the Legislature, whose duty it shall be to pass laws from time to time regulating freight and passenger tariffs, to prohibit unjust discriminations in the various railroads, canals and rivers of this State, and prohibit charging other than just and reasonable rates and enforce the same by adequate penalties.

Sec. 16. No railroad or other transportation company or corporation shall grant free passes or sell tickets or passes at a discount other than as sold to the public generally, to any member of the Legislature or to any officer exercising judicial functions under the laws of this State, and any such member or officer receiving such a pass or ticket for himself, or procuring the same for another, shall be guilty of a misdemeanor, and, upon conviction, shall be fined not exceeding \$500, and at the discretion of the court trying the case, in addition to such fine, may be imprisoned for a term not exceeding six months, and upon conviction, shall be subject to impeachment and removal from office. The courts having jurisdiction shall give this law specially in charge to the Grand Juries, and when the evidence is sufficient to authorize an indictment, the Grand Jury must present a true bill. Any county into or through which such member or officer is transported by the use of such prohibited pass or ticket, shall have jurisdiction of the case, providing only one prosecution shall be had for the same offense; and provided further, that the trial and judgment for an offense shall not bar a prosecution for another offense, when the same pass or ticket is used; and provided further, that nothing herein shall prevent a

member of the Legislature who is a bona fide employe of a railroad or other transportation company or corporation at the time of his election, from accepting or procuring for himself or another, not a member of the Legislature, or officer exercising judicial functions, a free pass over the railroads and other transportation company or corporation by which he is employed.

Sec. 17. No railroad company shall give or pay any rebate, or a bonus in the nature thereof, directly or indirectly, or do any act to mislead or deceive the public as to the real rates charged or received for freights and passage; and any such payments shall be illegal and void, and these prohibitions shall be enforced by suitable penalties.

Sec. 18. No railroad, canal or other transportation company in existence at the time of the ratification of this Constitution, shall have the benefit of any future legislation by general or special laws other than in execution of a trust created by law or by contract, except on the condition of complete acceptance of all provisions of this article.

## YEAS.

Messrs. President,  
 Almon,  
 Ashcraft,  
 Barefield,  
 Bethune,  
 Blackwell,  
 Brooks,  
 Browne,  
 Bulger,  
 Burnett,  
 Burns,  
 Carmichael (Colbert),  
 Cobb,  
 Cofer,  
 Craig,  
 Cunningham.  
 Davis (DeKalb),

Davis, (Etowah),  
 Dent,  
 deGraffenried,  
 Duke,  
 Eley,  
 Eyster,  
 Espy,  
 Fletcher,  
 Foster,  
 Glover,  
 Graham (Talladega),  
 Grant,  
 Grayson,  
 Greer (Calhoun),  
 Haley,  
 Handley,  
 Harrison,

Heflin (Chambers),  
Heflin (Randolph),  
Henderson,  
Hodges,  
Hood,  
Howell,  
Howze,  
Inge,  
Jones (Bibb),  
Jones (Montgomery),  
Jones (Wilcox),  
Knight,  
Kyle,  
Ledbetter,  
Lowe (Lawrence),  
Macdonald,  
McMillan (Baldwin),  
McMillan (Wilcox),  
Malone,  
Martin,  
Maxwell,  
Merrill,  
Miller (Wilcox),  
Moody,  
Murphree,  
Norman,  
Norwood,  
O'Neal (Lauderdale),  
Opp,  
O'Rear,  
Palmer,  
Parker (Cullman),  
Parker (Elmore),

Pearce,  
Pettus,  
Phillips,  
Pitts,  
Reese,  
Reynolds (Henry),  
Rogers (Lowndes),  
Rogers (Sumter),  
Samford,  
Sanders,  
Searcy,  
Selheimer,  
Sentell,  
Smith, Mac. A.,  
Smith, Morgan M.,  
Sorrell,  
Spears,  
Spragins,  
Stewart,  
Studdard,  
Tayloe,  
Thompson,  
Vaughan,  
Waddell,  
Walker,  
Watts,  
Weakley,  
Williams (Barbour),  
Williams (Marengo),  
Wilson (Clarke),  
Wilson (Washington),  
Winn—99.

## NAYS.

Messrs. Banks,  
Bartlett,  
Reddow,  
Byars,

Chapman,  
Long (Walker),  
Reynolds (Chilton),  
Whiteside—8.

## PAIR ANNOUNCED.

The following pair was announced:

Messrs. Coleman of Greene and Sloan. Mr. Coleman of Greene would vote aye; and Mr. Sloan would vote nay.

Mr. Reese moved to take from the table the amendment offered by Mr. Watts to Section 17, of the Article on Legislative Department.

The motion was lost.

## REPORT OF SPECIAL COMMITTEE.

Mr. Howze, chairman of the Committee on the special committee, submitted the following report:

*Mr. President:*

Your committee having under consideration the matter of recess, pending the work of the Committee on Order, Consistency and Harmony of the Constitution, beg leave to report as follows:

Your committee recommend that the Convention take a recess until Wednesday, August 28th, at noon. That the delegates and pages shall not draw per diem during the recess, but the delegates shall draw mileage in lieu thereof.

That the clerks of all the committees except the Committee on Order, Consistency and Harmony of the Constitution, shall be dispensed with.

That the delegates who are members of said committee shall be entitled to their per diem during the recess of the Convention, but not mileage.

JOHN B. KNOX,  
EDW. DEGRAFFENRIED,  
W. T. SANDERS,  
THOS. H. WATTS,  
A. C. HOWZE,

*Committee.*

Mr. Opp moved to amend by striking out August 28th and inserting in lieu thereof the words September 2d.

The amendment was lost.



## RECOMMITTAL OF ORDINANCES.

On motion of Mr. Heflin of Randolph ordinance 446 was recommitted to the Committee on Schedule, Printing and Incidental Expenses.

Mr. Howze offered the following amendment to the report, which was adopted:

That the door keeper and assistants shall not be entitled to per diem during the recess.

The resolution, as amended, was adopted.

REPORT OF THE COMMITTEE ON SCHEDULE PRINTING AND  
INCIDENTAL EXPENSES.

Mr. Heflin of Randolph, chairman of the Committee on Schedule, Printing and Incidental Expenses, reported favorably, with amendment, ordinance 446.

The amendment read as follows:

Strike out paragraphs 2, 3 and 4 and insert in lieu thereof the following:

This Convention accepts the proposition of Hon. James E. Cobb to make and superintend the indexing of the stenographic reports of the proceedings of this Convention, and to that end does hereby appropriate the sum of \$100 for such services, and as soon as the President of this Convention certifies to the Auditor that the work is completed, he shall draw his warrant on the Treasurer for the same in favor of said Cobb; and the President is authorized to contract with some reliable party to publish said index, and to distribute to each member of this Convention as many as five copies each, and for whatever this is reasonably worth, the President of this Convention shall certify that fact to the Auditor, who shall draw his warrant on the Treasurer for such sum, not to exceed \$50.

Mr. Malone moved to table the report.

The motion was lost.

The amendment was adopted.

The question recurred upon the adoption of the original ordinance as amended.

The ordinance as amended was adopted: Yeas, 65; nays, 40.

YEAS.

Messrs. President,	Jones (Wilcox),
Ashcraft,	Long (Walker),
Banks,	Macdonald,
Barefield,	McMillan (Baldwin),
Beddow,	Maxwell,
Bethune,	Miller (Wilcox),
Blackwell,	Murphree,
Browne,	Norwood,
Bulger,	Oates,
Burnett,	O'Neal (Lauderdale),
Burns,	O'Rear,
Carmichael (Colbert),	Palmer,
Craig,	Parker (Cullman),
Cunningham,	Pettus,
Dent,	Pillans,
deGraffenried,	Pitts,
Duke,	Proctor,
Eyster,	Rogers (Lowndes),
Espy,	Rogers (Sumter),
Foster,	Sanders,
Glover,	Sanford,
Graham (Montgomery),	Searcy,
Grayson,	Selheimer,
Greer (Calhoun),	Sentell,
Haley,	Sorrell,
Handley,	Spears,
Harrison,	Stewart,
Heflin (Chambers),	Tayloe,
Heflin (Randolph),	Thompson,
Henderson,	Vaughan,
Jackson,	Williams (Marengo)
Jones (Montgomery),	Wilson (Washington),
	Winn—65.

NAYS.

Messrs. Almon,	Davis (DeKalb),
Byars,	Davis (Etowah),
Chapman,	Eley,
Cofer,	Fletcher,

Foshee,	Moody,
Graham (Talladega),	Norman,
Grant,	Opp,
Hodges,	Parker (Elmore),
Hood,	Porter,
Howze,	Reynolds (Chilton),
Jenkins,	Reynolds (Henry),
Jones (Bibb),	Smith, Mac. A.,
Kyle,	Smith, Morgan M.,
Ledbetter,	Spragins,
Lowe (Jefferson),	Waddell,
Lowe (Lawrence),	Walker,
McMillan (Wilcox),	Weakley,
Malone,	White,
Martin,	Whiteside,
Merrill,	Williams (Barbour)—40.

## PAIRS ANNOUNCED.

The following pair was announced:

Messrs. Coleman of Greene and Cobb. Mr. Coleman of Green would vote aye; and Mr. Cobb would vote nay.

Mr. Cunningham offered the following resolution, and moved that the rules be suspended in order to place the resolution upon its immediate passage.

The motion to suspend the rules was lost, and the resolution was referred to the Committee on Rules.

Resolution 319, by Mr. Cunningham:

Resolved, That when the Convention reassembles no amendment to any article of the Constitution shall be considered, except by two-thirds of those voting, unless such amendment shall be necessary for the order, consistency and harmony of the Constitution.

## QUESTION OF PERSONAL PRIVILEGE.

Mr. Murphree arose to a question of personal privilege, and proceeded to state his question of personal privilege.

## ADJOURNMENT.

On motion of Mr. Cunningham the Convention recessed until 12 o'clock m. Wednesday, the 28th of August.

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## SEVENTY-SEVENTH DAY.

## CONVENTION HALL.

Montgomery, Ala., Wednesday, August 28, 1901.  
The Convention met pursuant to adjournment.  
Prayer was offered by Rev. Mr. Marshal of the city.

## ROLL CALL.

On a call of the roll of the Convention the following delegates answered to their names, which constituted a quorum:

Messrs. President,	Carmichael (Colbert),
Almon,	Chapman,
Altman,	Cobb,
Ashcraft,	Coleman (Walker),
Banks,	Cornwell,
Barefield,	Craig,
Bartlett,	Cunningham,
Beavers,	Davis (DeKalb),
Beddow,	Davis (Etowah),
Bethune,	Dent,
Blackwell,	deGraffenried,
Roone,	Duke,
Brooks,	Eley,
Browne,	Evster,
Bulger,	Espy,
Burnett,	Foshee,
Burns,	Foster,
Byars,	Freeman,
Cardon,	Gilmore,

Glover,	O'Neill (Jefferson),
Graham (Montgomery),	Opp,
Graham (Talladega),	O'Rear,
Grant,	Palmer,
Grayson,	Parker (Cullman),
Greer (Calhoun),	Parker (Elmore),
Greer (Perry),	Pearce,
Haley,	Pettus,
Handley,	Pillans,
Harrison,	Porter,
Heflin (Chambers),	Reese,
Heflin (Randolph),	Reynolds (Chilton),
Henderson,	Rogers (Lowndes),
Hinson,	Rogers (Sumter),
Hodges,	Samford,
Hood,	Sanders,
Howell,	Sanford,
Howze,	Searcy,
Inge,	Selheimer,
Jackson,	Sentell,
Jones (Bibb),	Sloan,
Jones (Hale),	Smith (Mobile),
Jones (Montgomery),	Smith, Mac. A.,
Jones (Wilcox),	Smith, Morgan M.,
Kyle,	Sorrell,
Long (Butler),	Spears,
Long (Walker),	Spragins,
Lowe (Lawrence),	Stewart,
Macdonald,	Studdard,
McMillan (Baldwin),	Tayloe,
McMillan (Wilcox),	Thompson,
Martin,	Vaughan,
Merrill,	Waddell,
Miller (Marengo),	Walker,
Miller (Wilcox),	Watts,
Moody,	Weatherly,
Mulkey,	White,
Murphree,	Whiteside,
Norman,	Williams (Barbour),
Norwood,	Williams (Marengo),
Oates,	Wilson (Washington).
O'Neal (Lauderdale),	Winn—122.

## LEAVE OF ABSENCE

Was granted to Messrs. Williams of Elmore, Lomax, Proctor, Ledbetter for to-day; and Jenkins, Pitts, Almon and Maxwell indefinitely.

## RESOLUTIONS ON FIRST READING.

The following resolutions were introduced, severally read one time at length, and referred to appropriate committees, as follows:

Resolution 320, by Mr. Samford, of Pike:

Resolved, That a committee of five be appointed to prepare and issue an address to the people of the State, setting forth the advantages of the new Constitution.

Resolved further, That the President of this Convention shall be chairman of said committee, and that the other five shall be appointed by the President.

Resolved further, That when said address is prepared the Secretary of this Convention shall cause to be printed 50,000 copies thereof for distribution.

The resolution was referred to the Committee on Rules.

Resolution 321, by Rules Committee:

Be it resolved that the attestation clause to the Constitution to be adopted by this Convention be as follows, viz.:

"Done by the people of Alabama, through their delegates in Convention assembled at Montgomery, Alabama, this the ..... day of ..... 1901, as hereby attested."

The resolution was adopted.

Resolution 322, by Mr. Long, of Walker:

Whereas, This Convention has fixed State elections every four years, commencing in 1902, and whereas, the Judges, Sheriffs, Probate Judges, Clerks, Tax Collectors and County Treasurers, etc., terms of office expire in 1904;

Therefore, in order to fix all offices in this State of equal length and to have them expire at the same time, and in the year in which the regular State elections are held;

Therefore, be it resolved, That the Committee on Order, Consistency and Harmony of the Whole Constitution be and they are hereby requested to report an ordinance or amendments extending for two years the terms of all officers whose terms of office expire in 1904, or some other method so as to fix the length of all State and County offices at four years after 1906.

The resolution was referred to the Committee on Rules.

#### RECESS.

On motion of Mr. Harrison the Convention recessed until 3:30 this afternoon.

#### AFTERNOON SESSION.

The Convention met pursuant to adjournment.

#### ROLL CALL.

On a call of the roll of the Convention, the following delegates answered to their names, which constituted a quorum :

#### Messrs. President,

Almon,  
Altman,  
Ashcraft,  
Banks,  
Barefield,  
Bartlett,  
Beavers,  
Beddow,  
Bethune,  
Blackwell,  
Boone,  
Brooks,  
Browne,  
Bulger,  
Burnett,

Burns,  
Byars,  
Cardon,  
Carmichael (Colbert),  
Chapman,  
Cobb,  
Coleman (Walker),  
Cornwell,  
Craig,  
Cunningham,  
Davis (DeKalb),  
Davis (Etowah),  
Dent,  
deGraffenried,  
Duke,  
Eley,

Eyster,  
 Espy,  
 Foshee,  
 Foster,  
 Freeman,  
 Gilmore,  
 Glover,  
 Graham (Montgomery),  
 Graham (Talladega),  
 Grant,  
 Grayson,  
 Greer (Calhoun),  
 Greer (Perry),  
 Haley,  
 Handley,  
 Harrison,  
 Heflin (Chambers),  
 Heflin (Randolph),  
 Henderson,  
 Hinson,  
 Hodges,  
 Hood,  
 Howell,  
 Howze,  
 Inge,  
 Jackson,  
 Jones (Bibb),  
 Jones (Hale),  
 Jones (Montgomery),  
 Jones (Wilcox),  
 Kyle,  
 Long (Butler),  
 Long (Walker),  
 Lowe (Lawrence),  
 Macdonald,  
 McMillan (Baldwin),  
 McMillan (Wilcox),  
 Martin,  
 Merrill,  
 Miller (Marengo),  
 Miller (Wilcox),

Moody,  
 Mulkey,  
 Murphree,  
 Norman,  
 Norwood,  
 Oates,  
 O'Neal (Lauderdale),  
 O'Neill (Jefferson),  
 Opp,  
 O'Rear,  
 Palmer,  
 Parker (Cullman),  
 Parker (Elmore),  
 Pearce,  
 Pettus,  
 Pillans,  
 Porter,  
 Reese,  
 Reynolds (Chilton),  
 Rogers (Lowndes),  
 Rogers (Sumter),  
 Samford,  
 Sanders,  
 Sanford,  
 Searcy,  
 Selheimer,  
 Sentell,  
 Sloan,  
 Smith (Mobile),  
 Smith, Mac. A.,  
 Smith, Morgan M.  
 Sorrell,  
 Spears,  
 Spragins,  
 Stewart,  
 Studdard,  
 Tayloe,  
 Thompson,  
 Vaughan,  
 Waddell,  
 Walker,



Watts,  
Weatherly,  
White,  
Whiteside,

Williams (Barbour),  
Williams (Marengo),  
Wilson (Washington).  
Winn—122.

#### REPORT OF THE COMMITTEE ON RULES.

Mr. Smith, of Mobile, acting chairman of the Committee on Rules, reported favorably, with a substitute, resolution 320.

The substitute reads as follows:

Resolved, That a committee composed of the President of the Convention and of one delegate from each Congressional district be appointed by the President to prepare and issue an address to the people of the State, setting forth the advantages of the new Constitution, and that the President of the Convention be the chairman of such committee.

Resolved further, That when such address is prepared, the Secretary of this Convention shall cause 50,000 copies thereof to be printed for distribution.

The substitute was adopted.

On motion of Mr. Smith of Mobile, resolution 320, as amended by the substitute, was adopted.

Mr. Smith of Mobile, acting chairman of the Rules Committee, also reported favorably, with a substitute, resolution 319.

The substitute was read as follows:

Substitute by Rules Committee for resolution 319 by Mr. Cunningham of Jefferson:

Resolved, That no amendment to any section or article of the Constitution or to any ordinance shall be considered or adopted except by a two-thirds vote, unless such amendment be necessary for the order, consistency and harmony of the Constitution.

A minority report signed by Messrs. Heflin of Chambers and O'Neal of Lauderdale, to the report of the Rules Committee, was read at length as follows:

Resolved, That two hours be allowed for amendments and debate on each article of the Constitution, and after that time the previous question shall be considered

as ordered, unless a majority of the Convention orders otherwise.

Mr. Samford offered the following amendment to the minority report:

Amend minority report by striking out two hours and inserting one hour.

Mr. Heflin of Chambers moved to table the resolution, substitute, minority report and the amendment offered by Mr. Samford.

The motion prevailed, and the resolution and pending amendments were laid upon the table.

Mr. Smith of Mobile, acting chairman of the Committee on Rules, also reported adversely resolution 316.

#### ADJOURNMENT.

On motion of Mr. White, the Convention adjourned until to-morrow morning at 9 o'clock.

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### SEVENTY-EIGHTH DAY.

#### CONVENTION HALL.

Montgomery, Ala., Thursday, August 29, 1901.

The Convention met pursuant to adjournment.

Prayer was offered by Rev. Mr. Marshall of the city.

#### ROLL CALL.

On a call of the roll of the Convention the following delegates answered to their names, which constituted a quorum:

Messrs. President,  
Altman,  
Ashcraft,  
Banks.  
Barefield,  
Bartlett,

Beddow,  
Bethune,  
Blackwell,  
Boone,  
Brooks,  
Burnett,

Byars,  
Cardon,  
Carmichael (Coffee),  
Carnathon,  
Case,  
Chapman,  
Cobb,  
Coleman (Greene),  
Coleman (Walker),  
Craig,  
Cunningham,  
Davis (DeKalb),  
Davis (Etowah),  
Dent,  
deGraffenried,  
Duke,  
Fletcher,  
Foshee,  
Foster,  
Freeman,  
Glover,  
Graham (Talladega).  
Grant,  
Grayson,  
Greer (Calhoun),  
Greer (Perry),  
Haley,  
Handley,  
Harrison,  
Heflin (Randolph),  
Henderson,  
Hodges,  
Hood,  
Howell,  
Howze,  
Inge,  
Jackson,  
Jones (Bibb),  
Jones (Montgomery),  
Jones (Wilcox),  
Knight,

Kyle,  
Lowe (Lawrence),  
Macdonald,  
McMillan (Baldwin),  
McMillan (Wilcox),  
Martin,  
Merrill,  
Miller (Marengo),  
Miller (Wilcox),  
Moody,  
Mulkey,  
Murphree,  
Norman,  
Norwood,  
Opp,  
Palmer,  
Parker (Cullman),  
Pearce,  
Phillips,  
Porter,  
Reese,  
Reynolds (Henry),  
Rogers (Lowndes),  
Rogers (Sumter),  
Samford,  
Searcy,  
Selheimer,  
Sentell,  
Smith (Mobile),  
Smith, Mac. A.,  
Smith, Morgan M.,  
Sorrell,  
Spears,  
Spragins,  
Stewart,  
Studdard,  
Vaughan,  
Walker,  
Watts,  
Weatherly,  
White,

Whiteside,	Williams (Marengo),
Williams (Barbour),	Winn.

## REPORT OF THE COMMITTEE ON THE JOURNAL.

The chairman of the Committee on the Journal submitted the following report, which was concurred in:

The Committee on the Journal beg leave to report that they have examined the Journal for the seventy-sixth day of the Convention, and that the same is correct.

Respectfully submitted,

JOHN F. PROCTOR, *Chairman.*

## PRIVILEGES OF THE FLOOR.

On motion of Mr. Barefield the privileges of the floor were extended to Judge John C. Anderson of Demopolis.

## RESOLUTIONS.

The following resolution was introduced, read one time at length, and on motion of Mr. Carmichael of Colbert the rules were suspended and the resolution was adopted:

Resolution 323, by Mr. Carmichael, of Colbert:

Resolved, That the President of this Convention shall appoint a Committee on Enrollment consisting of five members, whose duty it shall be to appoint an expert penman to enroll the proposed Constitution, and it shall be the duty of said committee to superintend said enrollment.

The following resolution was introduced, read one time at length, and referred to an appropriate committee as follows:

Resolution 324, by Mr. Reynolds, of Chilton:

A resolution for taking steps to secure a fair election on the submission of the Constitution, and providing for a contest of the result.

Whereas, the main purpose of those who favored the holding of a Constitutional Convention was to secure honest and fair elections, and purify the ballot; and

Whereas, the fair name of Alabama would be forever stained should any considerable number of our people be of opinion a Constitution had been fraudulently imposed upon them; therefore,

Be it resolved, That the Committee on Suffrage and Elections be and they are hereby instructed to forthwith prepare and report to this Convention an ordinance providing that the county officials in each county shall appoint at each polling place in their respective counties at the election held on the ratification of the Constitution prepared by this Convention, at least one inspector and one clerk, each of whom shall be able to read and write, and who are opposed to the ratification of the Constitution, if any there be in such precinct, and also providing that those in any county opposing ratification may in convention or by petition nominate such inspector and clerk; and providing that the failure of any official to comply with such provision shall be guilty of a misdemeanor.

And said committee are further instructed to prepare an ordinance and report the same forthwith, providing that the result of the election may be contested before the Supreme Court upon the petition of 1,000 citizens upon their giving security for costs in such sum as the court may prescribe, and that such contest shall be made and evidence taken in such manner as said court may prescribe.

The resolution was referred to the Committee on Rules.

#### ORDINANCES ON FIRST READING.

The following ordinances were introduced, severally read one time at length, and referred to appropriate committees as follows:

Ordinance 459, by Mr. White:

An ordinance to appropriate \$143.75 for the payment of C. B. Brown and the Alabama Printing Co. for ser-

vices performed for the State of Alabama for the use of the Constitutional Convention.

Section 1. Be it ordained by the people of Alabama in Convention assembled, That there be and is hereby appropriated out of any money in the State Treasury not otherwise appropriated, the sum of \$143.75, to be paid the Alabama Printing Co., and C. B. Brown for services performed for the State of Alabama for use of this Convention as follows:

Sec. 2. The State Auditor is hereby directed to draw his warrant on the State Treasurer in favor of C. B. Brown for the sum of \$30 for typewriting done by him for the Committee on Order, Consistency and Harmony of the Whole Constitution, and the said Auditor is also directed to draw his warrant on the State Treasurer in favor of the Alabama Printing Co. for the sum of \$113.75 for printing 300 copies of the report of said committee for the use of this Convention.

The ordinance was referred to the Committee on Schedule, Printing and Incidental Expenses.

#### APPOINTMENT OF COMMITTEE.

Under resolution 323 heretofore adopted the President appointed the following committee: Messrs. Carmichael of Colbert, Selheimer, Pillans, Foster, Samford.

#### REPORT OF STANDING COMMITTEES.

Mr. Heflin of Randolph, chairman of the Committee on Schedule, Printing and Incidental Expenses, reported favorably the following ordinance, which was read at length as follows, and the rules were suspended and the ordinance was adopted.

Ordinance 415, by Mr. Jones, of Montgomery:

An ordinance for the relief of E. L. May.

Be it ordained by the people of Alabama in Convention assembled, That the sum of \$25 be and the same is hereby appropriated to pay E. L. May for his services as clerk, for attending the meetings of the Committee

on the Executive Department, and transcribing the Article on the Executive Department as finally adopted and reported by the committee.

## YEAS.

Messrs. President,	Graham (Talladega),
Altman,	Grant,
Ashcraft,	Grayson,
Banks,	Greer (Calhoun),
Barefield,	Greer (Perry),
Bartlett,	Haley,
Beddow,	Handley,
Bethune,	Harrison,
Blackwell,	Heflin (Chambers),
Boone,	Heflin (Randolph),
Brooks,	Henderson,
Burnett,	Hodges,
Byars,	Hood,
Cardon,	Howell,
Carmichael (Colbert),	Howze,
Carnathon,	Inge,
Case,	Jackson,
Chapman,	Jones (Bibb),
Cobb,	Jones (Hale),
Coleman (Greene),	Jones (Montgomery),
Coleman (Walker),	Jones (Wilcox),
Craig,	Knight,
Cunningham,	Kyle,
Davis (DeKalb),	Lowe (Lawrence),
Davis (Etowah),	Macdonald,
Dent,	McMillan (Baldwin),
deGraffenried,	McMillan (Wilcox),
Duke,	Malone,
Eley,	Merrill,
Eyster,	Miller (Marengo),
Ferguson,	Miller (Wilcox),
Fletcher,	Moody,
Foshee,	Mulkey,
Foster,	Murphree,
Freeman,	Norman,
Glover,	

Norwood,	Sentell,
Oates,	Smith, Mac. A.,
O'Neal (Lauderdale),	Smith, Morgan M.
Opp,	Sorrell,
O'Rear,	Spears,
Pearce,	Spragins,
Pettus,	Stewart,
Porter,	Tayloe,
Proctor,	Thompson,
Reese,	Waddell,
Reynolds (Henry),	Walker,
Rogers (Lowndes),	Watts,
Rogers (Sumter),	White,
Samford,	Whiteside,
Sanders,	Williams (Barbour),
Sanford,	Williams (Marengo),
Searcy,	Winn—106.

## SUBSTITUTE FOR RULE 53.

On motion of Mr. White, the report of the Committee on Rules, which was heretofore laid upon the table, was taken from the table for adoption.

The report of the Committee on Rules was read at length as follows:

Amendment by Rules Committee:

Amend rule 53 so as to read as follows:

Rule 53. The Committee on Order, Consistency and Harmony of the Constitution shall report the proposed Constitution to the Convention, or any part or parts thereof, from time to time as they may think proper, and the Constitution or the parts thereof so reported, shall be read and acted upon article by article, and submitted to a vote of the Convention; if a majority of the members present shall vote therefor the same shall be adopted; but if amended in any particular it shall be re-referred with such amendment to said committee, who shall cause the article or articles amended, with such amendments, to be rewritten and report the same to the Convention for its action. When the Constitution shall have been finally adopted by the Conven-



tion, it shall be enrolled, and when enrolled, it shall be again read, and attested by the President and Secretary, and each delegate of the Convention shall personally sign his name thereto. The signature of the majority of the delegates present, or a majority of the Convention, shall constitute a sufficient attestation.

Mr. Beddow offered the following substitute for the report of the Committee on Rules:

Resolved, That the Constitution be considered article by article, instead of section by section; that when the reading of any article is completed any section thereof will be open to amendment.

The substitute offered by Mr. Beddow was lost.

The question recurred upon the adoption of the substitute for Rule 53, offered by the Committee on Rules.

The substitute for rule 53 was adopted.

The question recurred upon the adoption of rule 53 as amended by the substitute.

Rule 53, as amended, was adopted.

#### REPORT OF THE COMMITTEE ON ORDER, CONSISTENCY AND HARMONY OF THE WHOLE CONSTITUTION.

The report of the Committee on Order, Consistency and Harmony of the Whole Constitution was taken up.

On motion of Mr. White the reading of the report was dispensed with, and the report was ordered considered article by article.

The report of the Committee on Order, Consistency and Harmony of the Whole Constitution was read at length as follows:

#### THE REPORT OF THE COMMITTEE ON THE ORDER, CONSISTENCY AND HARMONY OF THE CONSTITUTION.

*Mr. President:*

The Committee on Order, Consistency and Harmony of the Constitution, to whom were referred the several articles of which the proposed Constitution is to consist, and also certain ordinances and resolutions not

proposed to be incorporated in the Constitution, have requested me to make the following report:

We have carefully considered all of the articles, ordinances and resolutions submitted to us, and have made no changes in substance except such as were rendered necessary by the provisions of the articles referred to us, to which changes your attention will be specifically called further on in this report. We have made a number of changes in transposition of clauses, omission of unnecessary or redundant clauses, and in phraseology, verbiage, punctuation and capitalization, to which we deem it unnecessary to call your special attention. We have preserved the article arrangement as in the present Constitution, but have changed the section numbers, so that the proposed Constitution is numbered as a whole, without reference to articles, beginning with Section 1 and ending with Section 285; such change, in our opinion, will greatly simplify and facilitate reference thereto.

We respectfully recommend to the Convention the adoption of the following provisions to be incorporated in the Article on Corporations:

1. No city or town having a population of more than 6,000 shall have authority to grant to any person, firm, corporation or association, the right to use its streets, avenues, alleys or public places for the construction or operation of water works, gas works, telephone or telegraph lines, electric light or power plants, steam or other heating plants, street railroads, or any other public utility, except railroads other than street railroads, for a longer period than thirty years.

2. Foreign corporations doing business in this State may be sued by resident citizens of this State, in any county where such corporations do business, whether the cause of action arose in this State or beyond the limits thereof.

We further recommend the adoption of an ordinance providing for the registration of electors who are to vote at the election to be held for the ratification of the proposed Constitution; also the adoption of an ordinance making subject to repeal, alteration or amend-

ment by the Legislature all ordinances adopted by the Convention which are not included in the proposed Constitution, except the ordinance relating to the refunding of the bonded indebtedness of the State. The two ordinances referred to will be submitted to the Convention for its consideration.

Ordinance No. 414, relating to the succession of the present Governor, is in proper form; no changes have been made therein, and we report it back with the recommendation that it be enrolled and signed.

Ordinance No. 410, relating to the exclusion of persons from the court house during the trial of certain cases, has been incorporated in the Article on the Judiciary.

Ordinance No. 390, relating to the establishment of court houses in the counties of St. Clair and Shelby, has been amended in accordance with the provisions of ordinance No. 449, and we recommend that the same as amended be enrolled and signed. All articles, ordinances and resolutions which were referred to the committee are herewith returned.

In order that the Convention might not be compelled to wait for several days after reassembling the committee have had the report and the proposed Constitution printed, and respectfully ask that their action in this particular be ratified.

The attention of the Convention is respectfully called to the following list of changes, which embraces all the material alterations made by this committee.

#### DECLARATION OF RIGHTS.

1. The words "Preamble and" have been dropped from the title of this article.

2. Section 36 of the engrossed article has been transferred to the article on distribution of powers of government, as appears in Section 43 of the Constitution herewith reported.

STATE AND COUNTY BOUNDARIES.

1. No changes have been made in the engrossed article.

DISTRIBUTION OF POWERS OF GOVERNMENT.

1. No ordinances were referred to the committee relating to this subject; but Article III of the Constitution of 1875, without change, except the incorporation therein of Section 36 of the engrossed article on Declaration of Rights, has been adopted by the committee as Article III of the proposed Constitution.

EXECUTIVE DEPARTMENT.

1. Throughout this article the order of arrangement of the officers of the Executive Department is changed so as to correspond with the order of their succession to the office of Governor.

2. Section 5 is changed so as to provide that the executive officers named therein shall hold their respective offices for four years from the first Monday after the second Tuesday in January next succeeding their election.

3. The provision in Section 6 relating to the Lieutenant Governor's duties as President of the Senate has been stricken out, because the same provision is contained in the Article on the Legislative Department.

4. The last sentence of Section 7 has been rewritten so as to prevent the possible construction that the Governor is to receive no salary while the Lieutenant Governor is temporarily acting Governor.

5. Section 16 was changed so as to provide that if both the Governor and Lieutenant Governor should die, resign or be removed from office, more than sixty days prior to the next general election for any State officers, successors to both such officers shall be elected at said election.

6. Section 17 was rewritten so as to read as it appears in Section 128 of the Constitution herewith reported.

## LEGISLATIVE DEPARTMENT.

1. Section 3 of the engrossed article has been rewritten and is made Section 46 of the Constitution herewith reported. It was necessary to recast this section because of the provisions requiring quadrennial elections, and the election of all Senators at the same time.

2. Section 5 of the engrossed article has been so written as to fix the time for the meeting of the Legislature on the first Tuesday after the second Monday in January. This alteration was made necessary by the change of the time of elections from August to November.

3. Section 62 has been included in Section 5 as a part thereof.

4. Section 52 has been added to Section 32 of the Article on Judicial Department.

5. Section 61 is stricken out, a similar provision being contained in the Article on the Oath of Office.

## LOCAL LEGISLATION.

1. The entire engrossed article has been transferred to the Article on the Legislative Department.

2. Section 17 was rewritten so as to make clear the requirement that a vote of the people in favor of the issuance of municipal bonds shall precede the passage of a local or special act authorizing such issue.

3. Section 18 was so changed as to allow the passage of special acts permitting cities and towns to alter and rearrange the boundaries thereof.

## JUDICIAL DEPARTMENT.

1. In Section 1 the words "according to the next preceding Federal census" were inserted in line seven after the words "twenty thousand."

2. In Section 19 the words "Justices of the Supreme Court" were inserted before the word "judges" in line one, and the words "for any State officer" after "election" in line three.

3. Section 20 was changed so as to provide that when a new circuit or chancery division is created, a judge or chancellor therefor shall be elected at the next general election for any State office, instead of at the next election for Representatives to the Legislature.

4. In Section 21 the words "any part of" were inserted after the word "having" in line two, and the words "of general jurisdiction" after the word "court" where it appears the second time in line two. In the same section the words "such incompetent chancellor or judge could have rendered" were inserted in the place of the words "a chancellor or a judge of the Circuit Court, or of a court having the jurisdiction of a Circuit or Chancery Court or either, sitting as a court might do in such case."

5. Section 28 was changed so as to require that at an election for the Circuit Solicitors only those counties in the circuit in which the Solicitors prosecute criminal cases can participate in the election.

6. Section 32 was transferred to the Article on the Legislative Department, and constitutes the last sentence of Section 95 of the Constitution herewith reported.

#### IMPEACHMENTS.

1. To Section 2 was added the following provision: "The Legislature may provide for the impeachment or removal of other officers than those named in this article."

#### SUFFRAGE AND ELECTIONS.

1. In Section 1 the word "adoption" was changed to "ratification." In the same section the provision relating to foreigners who have declared their intention to become citizens of the United States was changed so as to read as follows: "Provided, that all foreigners who have legally declared their intention to become citizens of the United States shall, if they fail to become citizens thereof at the time they are entitled to become

such, cease to have the right to vote until they become such citizens."

2. In Section 4 the proviso relating to persons of foreign birth was stricken out, and the following inserted in lieu thereof: After the words "United States" in line three: "except those who having had an opportunity to perfect their citizenship prior to the 20th day of December, 1902, has failed so to do."

3. In subdivision 1 of Section 5 the words "unless prevented by physical disability," in line one were stricken out, and the proviso at the end changed so as to read: "Provided, that inability to read and write shall not disqualify any elector if such disability is due to physical infirmity."

4. In subdivision 2 of Section 10 in line 26, the words "one thousand" were stricken out, and "nine hundred" inserted in lieu thereof; and in line 33 the figures "900" were stricken out and the words "one thousand" inserted in lieu thereof.

5. In subdivision 8 of Section 10 the word "person" was substituted for "elector" in lines 1, 2 and 3; and a penalty clause was added for the offenses mentioned therein, as appears in subdivision 8 of Section 186 of the Constitution herewith reported.

6. In Section 12 a penalty clause was added for the offense mentioned therein, as appears in Section 188 of the Constitution herewith reported.

7. Section 19 was made a part of Section 18, as appears in Section 194 of the Constitution herewith reported.

8. To Section 20 a penalty clause was added, as appears in Section 195 of the Constitution herewith reported.

#### REPRESENTATION.

1. No material change was made in the engrossed article.

#### TAXATION.

1. In line 6 of Section 2, after the word "for" the words "shall be absolutely void" were inserted.

2. The section relating to municipal taxation in the Article on Municipal Corporations was taken from said article and inserted as a section of this article, as will appear in Section 216 of the Constitution herewith reported.

3. Section 8 was added to by the committee, and as changed was transferred to the Article on Municipal Corporations, as will appear in Section 224 of the Constitution herewith reported.

4. Section 9 was transferred to the Article on Municipal Corporations, as will appear in Section 225 of the Constitution herewith reported.

#### CORPORATIONS.

1. No material changes were made in the engrossed Article on Corporations.

2. The Article on Municipal Corporations was made a subdivision of this article.

#### MUNICIPAL CORPORATIONS.

1. The first part of Section 3 was rewritten, as will appear in Section 222 of the Constitution herewith reported.

2. Section 5 was rewritten, and as rewritten was transferred to the Article on Taxation, as will appear in Section 216 of the Constitution herewith reported.

#### BANKS AND BANKING.

1. No material change was made in the engrossed article.

#### EDUCATION.

1. The word "school" before the word "children" was stricken out in line four of Section 1.

2. Section 9 was divided into two sections, that part relating to the University, numbered 263, and that re-



lating to the Alabama Polytechnic Institute numbered 265, in the Constitution herewith reported.

3. Changes were made in the terms of office of the Trustees of each of these institutions, as will appear in the two sections above referred to.

4. To Section 12 a proviso was added authorizing a one mill tax upon the property in the separate school district of Tuskaloosa, for school purposes.

#### EXEMPTIONS.

1. No material change was made in the engrossed article.

#### MILITIA.

1. No material change was made in the engrossed article.

#### OATH OF OFFICE.

1. This article was copied from the Constitution of 1875, and was made a separate article in the Constitution herewith reported.

#### MISCELLANEOUS PROVISIONS.

1. No material change was made in the engrossed article.

#### MODE OF AMENDING THE CONSTITUTION.

1. No material change was made in the engrossed article.

#### SCHEDULE.

1. Section 6 was stricken out, the matter therein provided for having been incorporated in the Article on Education, as appears from Section 263 of the Constitution herewith reported.

Respectfully submitted,

FRANK S. WHITE, *Chairman.*

Under the motion of Mr. White, heretofore adopted, the further report of the Committee was read article by article as follows:

Constitution of the State of Alabama, 1901.

We, the people of the State of Alabama, in order to establish justice, insure domestic tranquillity, and secure the blessings of liberty to ourselves and our posterity, invoking the favor and guidance of Almighty God, do ordain and establish the following Constitution and Form of Government for the State of Alabama:

Mr. Hood offered the following amendment to the Preamble, which was adopted:

Amend Preamble so as to spell the word "tranquility" with two ll's.

The Preamble, as amended by the amendment of Mr. Hood, was adopted.

## ARTICLE I.

### DECLARATION OF RIGHTS.

Was read at length as follows:

## ARTICLE I.

### DECLARATION OF RIGHTS.

That the great, general and essential principles of liberty and free government may be recognized and established, we declare:

1. That all men are equally free and independent; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty and the pursuit of happiness.

2. That all political power is inherent in the people, and all free governments are founded on their authority, and instituted for their benefit; and that, therefore, they have at all times an inalienable and indefeasible right to change their form of government in such manner as they may deem expedient.

3. That no religion shall be established by law; that no preference shall be given by law to any religious sect, society, denomination or mode of worship; that no one shall be compelled by law to attend any place of worship; nor pay any tithes, taxes or other rate for the building or repairing any place of worship, or for maintaining any minister or ministry; that no religious test shall be required as a qualification to any office or public trust under this State; and that the civil rights, privileges and capacities of any citizen shall not be in any manner affected by his religious principles.

4. That no law shall ever be passed to curtail or restrain the liberty of speech or of the press; and any person may speak, write and publish his sentiments on all subjects, being responsible for the abuse of that liberty.

5. That the people shall be secure in their persons, houses, papers and possessions from unreasonable seizure or searches, and that no warrants shall issue to search any place or to seize any person or thing without probable cause, supported by oath or affirmation.

6. That in all criminal prosecutions, the accused has a right to be heard by himself and counsel or either; to demand the nature and cause of the accusation; to have a copy thereof; to be confronted by the witnesses against him; to have compulsory process for obtaining witnesses in his favor; to testify in all cases, in his own behalf, if he elects so to do; and, in all prosecutions by indictment, a speedy, public trial, by an impartial jury of the county or district in which the offense was committed; and he shall not be compelled to give evidence against himself, nor be deprived of life, liberty or property except by due process of law; but the Legislature may, by a general law, provide for a change of venue at the instance of the defendant in all prosecutions by indictment, and that such a change of venue on application of defendant, may be heard and determined without the personal presence of the defendant so applying therefor; provided that at the time of the application for the change of venue the defendant is imprisoned in jail or some legal place of confinement.

7. That no person shall be accused or arrested, or detained except in cases ascertained by law, and according to the form which the same has prescribed; and no person shall be punished but by virtue of a law established and promulgated prior to the offense and legally applied.

8. That no person shall, for any indictable offense, be proceeded against criminally, by information, except in cases arising in the militia and volunteer forces when in actual service, or when assembled under arms as a military organization, or by leave of the court, for misfeasance, misdemeanor, extortion and oppression in office otherwise than is provided in this Constitution; provided that in cases of misdemeanor, the Legislature may, by law, dispense with a Grand Jury, and authorize such prosecutions and proceedings before Justices of the Peace or such other inferior courts as may be by law established.

9. That no person shall, for the same offense, be twice put in jeopardy of life or limb; but courts may, for reasons fixed by law, discharge juries from the consideration of any case, and no person shall gain any advantage by reason of such discharge of the jury.

10. That no person shall be barred from prosecuting or defending before any tribunal in this State, by himself or counsel, any civil cause to which he is a party.

11. That the right of trial by jury shall remain inviolate.

12. That in all prosecutions for libel or for the publication of papers investigating the official conduct of officers or men in public capacity, or when the matter published is proper for public information, the truth thereof may be given in evidence; and that in all indictments for libel, the jury shall have the right to determine the law and the facts under the direction of the court.

13. That all courts shall be open; and that every person, for any injury done him, in his lands, goods, person or reputation, shall have a remedy by due process of law; and right and justice shall be administered without sale, denial or delay.

14. That the State of Alabama shall never be made a defendant in any court of law or equity.

15. That excessive fines shall not be imposed, nor cruel or unusual punishments inflicted.

16. That all persons shall, before conviction, be bailable by sufficient sureties, except for capital offenses, when the proof is evident or the presumption great; and that excessive bail shall not in any case be required.

17. That the privilege of the writ of habeas corpus shall not be suspended by the authorities of this State.

18. That treason against the State shall consist only in levying war against it, or adhering to its enemies, giving them aid and comfort; and that no person shall be convicted of treason, except on the testimony of two witnesses to the same overt act, or his own confession in open court.

19. That no person shall be attainted of treason by the Legislature; and that no conviction shall work corruption of blood or forfeiture of estate.

20. That no person shall be imprisoned for debt.

21. That no power of suspending laws shall be exercised except by the Legislature.

22. That no *ex post facto* law, or any law, impairing the obligation of contracts, or making any irrevocable or exclusive grants of special privileges or immunities, shall be passed by the Legislature; and every grant of a franchise, privilege or immunity, shall forever remain subject to revocation, alteration or amendment.

23. That the exercise of the right of eminent domain shall never be abridged nor so construed as to prevent the Legislature from taking the property and franchises of incorporated companies and subjecting them to public use in the same manner in which the property and franchises of individuals are taken and subjected, but private property shall not be taken for or applied to public use unless just compensation be first made therefor; nor shall private property be taken for private use or for the use of corporations, other than municipal, without the consent of the owner; provided, however, that the Legislature may by law secure to persons or corporations

the right of way over the lands of other persons or corporations, and by general laws provide for and regulate the exercise by persons and corporations of the right herein reserved; but just compensation shall, in all cases, be first made to the owner; and, provided that the right of eminent domain shall not be so construed as to allow taxation or forced subscription for the benefit of railroads or any other kind of corporations, other than municipal, or for the benefit of any individual or association.

24. That all navigable waters shall remain forever public highways, free to the citizens of the State and the United States, without tax, impost or toll; and that no tax, toll, impost or wharfage shall be demanded or received from the owner of any merchandise or commodity for the use of the shores or any wharf erected on the shores, or in or over the waters, of any navigable stream, unless the same be expressly authorized by law.

25. That the citizens have a right, in a peaceable manner, to assemble together for the common good, and to apply to those invested with the power of government for redress of grievances or other purposes, by petition, address or remonstrance.

26. That every citizen has a right to bear arms in defense of himself and the State.

27. That no standing army shall be kept up without the consent of the Legislature, and, in that case, no appropriation for its support shall be made for a longer term than one year; and the military shall, in all cases, and at all times, be in strict subordination to the civil power.

28. That no soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor, in time of war, but in a manner to be prescribed by law.

29. That no title of nobility or hereditary distinction, privilege, honor or emolument shall ever be granted or conferred in this State; and that no office shall be created, the appointment to which shall be for a longer time than during good behavior.

30. That immigration shall be encouraged; emigration shall not be prohibited, and no citizen shall be exiled.

31. That temporary absence from the State shall not cause a forfeiture of residence once obtained.

32. That no form of slavery shall exist in this State; and there shall not be any involuntary servitude, otherwise than for the punishment of crime, of which the party shall have been duly convicted.

33. The privilege of suffrage shall be protected by laws regulating elections, and prohibiting, under adequate penalties, all undue influences from power, bribery, tumult or other improper conduct.

34. Foreigners who are, or who may hereafter become bona fide residents of this State, shall enjoy the same rights in respect to the possession, enjoyment and inheritance of property, as native born citizens.

35. That the sole object and only legitimate end of government is to protect the citizen in the enjoyment of life, liberty and property; and when the government assumes other functions, it is usurpation and oppression.

36. That this enumeration of certain rights shall not impair or deny others retained by the people; and, to guard against any encroachments on the rights herein retained, we declare that everything in this Declaration of Rights is excepted out of the general powers of government, and shall forever remain inviolate.

Mr. Eyster offered the following amendment to Sections 33 and 34, which was read at length as follows:

Commence Sections 33 and 34 with the word "that."

On motion of Mr. Boone the amendment offered by Mr. Eyster was laid upon the table.

On motion Article I was adopted.

#### RECONSIDERATION.

Mr. Cobb moved to reconsider the vote by which Article I was adopted, which motion went over until to-morrow.

## ARTICLE II.

## STATE AND COUNTY BOUNDARIES.

Was read at length as follows:

## ARTICLE II.

## STATE AND COUNTY BOUNDARIES.

37. The boundaries of this State are established and declared to be as follows, that is to say:

Beginning at the point where the 31st degree of north latitude crosses the Perdido river; thence east to the western boundary line of the State of Georgia; thence along said line to the southern boundary line of the State of Tennessee, thence west along the southern boundary of the State of Tennessee, crossing the Tennessee river, and on to the second intersection of said river by said line, thence up said river to the mouth of Big Bear creek; thence by a direct line to the northwest corner of Washington county, in this State, as originally formed; thence southerly along the line of the State of Mississippi to the Gulf of Mexico; thence eastwardly, including all islands within six leagues of the shore, to the Perdido river; thence up said river to the beginning; provided, that the limits and jurisdiction of this State shall extend to and include any other land and territory hereafter acquired, by contract or agreement with other States or otherwise, although such land and territory are not included within the boundaries hereinbefore designated.

38. The boundaries of the several counties of this State, as they now exist, are hereby ratified and confirmed.

39. The Legislature may by a vote of two-thirds of each House thereof arrange and designate boundaries for the several counties of this State, which boundaries shall not be altered, except by a like vote; but no new county shall be formed hereafter of less extent than 600 square miles, and no existing county shall be



reduced to less than 600 square miles; and no new county shall be formed unless it shall contain a sufficient number of inhabitants to entitle it to one Representative under the ratio of representation existing at the time of its formation, and leave the county or counties from which it is taken with the required number of inhabitants to entitle such county or counties, each, to separate representation; provided, that out of the counties of Henry, Dale and Geneva a new county of less than 600 square miles may be formed under the provisions of this article, so as to leave said counties of Henry, Dale and Geneva with not less than 500 square miles each.

40. No county line shall be altered or changed, or in the event of the creation of new counties shall be established, so as to run within seven miles of the county court house of any old county.

41. No county court house or county site shall be removed except by a majority vote of the qualified electors of said county, voting at an election held for such purpose, and when an election has once been held for such purpose, no other election can be held for such purpose until the expiration of four years; provided, that the county site of Shelby county, shall remain at Columbiana, unless removed by a vote of the people, as provided for in an act entitled "An act to provide for the permanent location of the county site of Shelby county, Alabama, by a vote of the qualified electors of said county," approved the 9th day of February, 1899, and the act amendatory thereto, approved the 20th day of February, 1899, or by an election held under the provisions of this article.

Mr. Cornwell offered the following amendment to Article II, which was read at length as follows:

Add to Section 39, after the words "each," the following: "Provided further, that the provisions of this article shall not apply to the formation of a new county to be carved out of the southern portion of Jefferson county, and the northern portions of Tuscaloosa and Bibb county, which new county may be formed by the

Legislature; provided, such new county shall not contain less than 400 square miles.

Mr. Opp moved to table the amendment offered by Mr. Cornwell.

The motion prevailed, and the amendment was laid upon the table: Yeas, 61; nays, 56.

## YEAS.

Messrs. President,	Martin,
Altman,	Merrill,
Ashcraft,	Miller (Marengo),
Barefield,	Moody,
Beddow,	Murphree,
Bethune,	O'Neill (Jefferson),
Boone,	Opp,
Cardon,	O'Rear,
Carmichael (Colbert),	Parker (Elmore),
Cunningham,	Phillips,
Davis (DeKalb),	Pillans,
Davis (Etowah),	Reese,
Dent,	Reynolds (Henry),
deGraffenried,	Samford,
Duke,	Selheimer,
Ferguson,	Sloan,
Foster,	Smith (Mobile),
Greer (Perry),	Spears,
Haley,	Spragins,
Handley,	Stewart,
Heflin (Randolph),	Thompson,
Hood,	Waddell,
Howze,	Walker,
Inge,	Watts,
Jones, (Bibb),	Weatherly,
Jones (Montgomery),	White,
Jones (Wilcox),	Williams (Barbour),
Knight,	Williams (Elmore),
Kyle,	Wilson (Clarke),
Ledbetter,	Winn—61.
McMillan (Baldwin),	

## NAYS.

Messrs. Banks,	Hodges,
Beavers,	Howell,
Blackwell,	Long (Butler),
Browne,	Lowe (Lawrence),
Burnett,	Macdonald,
Burns,	McMillan (Wilcox),
Byars,	Miller (Wilcox),
Carmichael (Coffee),	Mulkey,
Carnathon,	Norwood,
Case,	Oates,
Chapman,	O'Neal (Lauderdale),
Cobb,	Palmer,
Coleman (Walker),	Parker (Cullman),
Cornwell,	Pearce,
Eley,	Pettus,
Eyster,	Porter,
Fletcher,	Reynolds (Chilton),
Foshee,	Sanford,
Freeman,	Searcy,
Gilmore,	Sentell,
Glover,	Smith, Mac. A.
Graham (Montgomery),	Smith, Morgan M.,
Graham (Talladega),	Studdard,
Grant,	Tayloe,
Grayson,	Vaughan,
Greer (Calhoun),	Whiteside,
Harrison,	Williams (Marengo).
Henderson,	Wilson (Washington)—56.

Mr. Murphree offered the following amendment to Article II:

Strike out the word "majority" in first line, and insert the word "two-thirds."

On motion of Mr. Greer of Calhoun, the amendment was laid upon the table.

On motion Article II was adopted.

## ARTICLE III.

## DISTRIBUTION OF POWERS OF GOVERNMENT.

Was read at length as follows:

## ARTICLE III.

## DISTRIBUTION OF POWERS OF GOVERNMENT.

42. The powers of the government of the State of Alabama shall be divided into three distinct departments, each of which shall be confided to a separate body of the magistracy, to-wit: Those who are legislative, to one; those which are executive to another; and those which are judicial to another.

43. In the government of this State, except in the instances in this Constitution hereinafter expressly directed or permitted, the legislative department shall never exercise the executive and judicial powers, or either of them; the executive shall never exercise the legislative and judicial powers, or either of them; the judicial shall never exercise the legislative and executive powers, or either of them; to the end that it may be a government of laws and not of men.

On motion of Mr. Davis of Etowah Article III was adopted.

## ARTICLE IV.

## LEGISLATIVE DEPARTMENT.

Was read at length as follows:

## ARTICLE IV.

## LEGISLATIVE DEPARTMENT.

44. The legislative power of this State shall be vested in a Legislature, which shall consist of a Senate and House of Representatives.

45. The style of the laws of this State shall be: "Be it enacted by the Legislature of Alabama," which need not be repeated, but the act shall be divided into sections for convenience, according to substance, and the sections designated merely by figures.

Each law shall contain but one subject, which shall be clearly expressed in its title, except general appropriation bills, general revenue bills, and bills adopting a code, digest, or revision of statute; and no law shall be revived, amended or the provisions thereof extended or conferred, by reference to its title only; but so much thereof as is revived, amended, extended, or conferred, shall be reënacted and published at length.

46. Senators and Representatives shall be elected by the qualified electors on the first Tuesday after the first Monday in November unless the Legislature shall change the time of holding elections and in every fourth year thereafter. The terms of office of the Senators and Representatives shall commence on the day after the general election at which they are elected, and expire on the day after the general election held in the fourth year after their election, except as otherwise provided in this Constitution. At the general election in the year 1902 all the Representatives, together with the Senators for the even numbered districts and for the Thirty-fifth district, shall be elected. The terms of those Senators who represent the odd numbered districts under the law in force prior to the ratification of this Constitution, are hereby extended until the day after the general election in the year 1906; and, until the expiration of his term as hereinbefore extended, each such Senator shall represent the district established by this Constitution, bearing the number corresponding with that for which he was elected. In the year 1906, and in ~~in~~ every fourth year thereafter, all the Senators and Representatives shall be elected. Whenever a vacancy shall occur in either House the Governor shall issue a writ of election to fill such vacancy for the remainder of the term.

47. Senators shall be at least twenty-five years of age, and Representatives twenty-one years of age; they shall have been citizens and residents of this State

for three years and residents of their respective counties or districts one year next before their election, if such county or district shall have been so long established; but if not, then of the county or district from which the same shall have been taken; and they shall reside in their respective counties or districts during their terms of office.

48. The Legislature shall meet quadrennially at the Capitol, in the Senate chamber, and in the Hall of the House of Representatives, on the second Tuesday in January next succeeding their election, or on such other day as may be prescribed by law; and shall not remain in session longer than sixty days at the first session held under this Constitution, nor longer than fifty days at any subsequent session. If at any time it should from any cause become impossible or dangerous for the Legislature to meet or remain at the Capitol, or for the Senate to meet or remain in the Senate chamber, or for the Representatives to meet or remain in the Hall of the House of Representatives, the Governor may convene the Legislature, or remove it, after it has convened, to some other place, or may designate some other place for the sitting of the respective Houses, or either of them, as necessity may require.

49. The pay of the members of the Legislature shall be \$4.00 per day, and 10 cents per mile in going to and returning from the seat of government, to be computed by the nearest usual route traveled.

50. The Legislature shall consist of not more than thirty-five Senators, and not more than one hundred and five members of the House of Representatives, to be apportioned among the several districts and counties as prescribed in this Constitution; provided that in addition to the above number of Representatives, each new county hereafter created shall be entitled to one Representative.

51. The Senate, at the beginning of each regular session, and at such other times as may be necessary, shall elect one of its members president pro tem thereof to preside over the deliberations in the absence of the Lieuten-

ant Governor; and the House of Representatives, at the beginning of each regular session, and at such other time as may be necessary, shall elect one of its members as Speaker; and the President of the Senate and the Speaker of the House of Representatives shall hold their offices respectively until their successors are elected and qualified. In case of temporary disability of either of said presiding officers, the House to which he belongs may elect one of its members to preside over that House and to perform all the duties of such officer during the continuance of his disability; and such temporary officer, while performing duty as such, shall receive the same compensation to which the permanent officer is entitled, and no other. Each House shall choose its own officers and shall judge of the election, returns and qualifications of its members.

52. A majority of each House shall constitute a quorum to do business; but a smaller number may adjourn from day to day and may compel the attendance of absent members, in such manner and under such penalties as each House may provide.

53. Each House shall have power to determine the rules of its proceedings and to punish its members and other persons, for contempt or disorderly behavior in its presence; to enforce the obedience to its processes; to protect its members against violence, or offers of bribe or corrupt solicitation; and with the concurrence of two-thirds of the House to expel a member, but not a second time for the same offense; and the two Houses shall have all the powers necessary for the Legislature of a free State.

54. A member of either House expelled for corruption shall not thereafter be eligible to either House, and punishment for contempt or disorderly behavior shall not bar an indictment for the same offense.

55. Each House shall keep a Journal of its proceedings and cause the same to be published immediately after its adjournment, excepting such parts as, in its judgment, may require secrecy; and the yeas and nays of the members of either House on any question shall, at the request of one-tenth of the members present, be

entered on the Journal. Any member of either House shall have liberty to dissent from or protest against any act or resolution which he may think injurious to the public, or an individual, and have the reasons for his dissent entered on the Journal.

56. Members of the Legislature shall, in all cases, except treason, felony, violation of their oath of office, and breach of the peace, be privileged from arrest during their attendance at the session of their respective Houses, and in going to and returning from the same; and for any speech or debate in either House they shall not be questioned in any other place.

57. The doors of each House shall be opened except on such occasions as, in the opinion of the House, may require secrecy, but no person shall be admitted to the floor of either House while the same is in session, except members of the Legislature, the officers and employes of the two Houses, the Governor and his secretaries, representatives of the press, and other persons to whom either House, by unanimous vote, may extend the privileges of its floor.

58. Neither House shall, without consent of the other, adjourn for more than three days, nor to any other place than that in which they may be sitting, except as otherwise provided in this Constitution.

59. No Senator or Representative shall, during the term for which he shall have been elected, be appointed to any office of profit under this State, which shall have been created, or the emoluments of which shall have been increased during such term, except such offices as may be filled by election by the people.

60. No person convicted of embezzlement of the public money, bribery, perjury, or other infamous crime, shall be eligible to the Legislature, or capable of holding any office of trust or profit in this State.

61. No law shall be passed except by bill, and no bill shall be so altered or amended on its passage through either House as to change its original purpose.

62. No bill shall become a law until it shall have been referred to a standing committee of each House, acted upon by such committee in session, and



returned therefrom, which facts shall affirmatively appear upon the Journal of each House.

63. Every bill shall be read on three different days in each House, and no bill shall become a law, unless on its final passage it be read at length, and the vote be taken by yeas and nays, the names of the members voting for and against the same to be entered upon the Journals, and a majority of each House be recorded thereon as voting in its favor, except as otherwise provided in this Constitution.

64. No amendment to bills shall be adopted except by a majority of the House wherein the same is offered, nor unless the amendment with the names of those voting for and against the same shall be entered at length on the Journal of the House in which the same is adopted, and no amendment to bills by one House shall be concurred in by the other, unless by a vote taken by yeas and nays, and the names of the members voting for and against the same be recorded at length on the Journal; and no report of a committee of conference shall be adopted in either House, except upon a vote taken by yeas and nays, and entered on the Journal, as herein provided for the adoption of amendments.

65. The Legislature shall have no power to authorize lotteries or gift enterprises for any purpose, and shall pass laws to prohibit the sale of lottery or gift enterprise tickets, or tickets in any scheme in the nature of a lottery, in this State; and all acts, or parts of acts heretofore passed by the Legislature of this State, authorizing a lottery or lotteries and all acts amendatory thereof, or supplemental thereto, are hereby avoided.

66. The presiding officer of each House shall, in the presence of the House over which he presides, sign all bills and joint resolutions passed by the Legislature, after the same shall have been publicly read at length immediately before signing, and the fact of reading and signing shall be entered upon the Journal; but the reading at length may be dispensed with by a two-thirds vote of a quorum present, which fact shall also be entered on the Journal.

67. The Legislature shall prescribe by law the number, duties and compensation of the officers and employes of each House, and no payment shall be made from the State Treasury or be in any way authorized to any person except to an acting officer or employe elected or appointed in pursuance of law.

68. The Legislature shall have no power to grant or to authorize or require any county or municipal authority to grant, nor shall any county or municipal authority have power to grant any extra compensation, fee or allowance to any public officer, servant or employee, agent or contractor, after service shall have been rendered or contract made, nor to increase or decrease the fees and compensation of such officers during their term of office; nor shall any officer of the State bind the State to the payment of any sum of money but by authority of law; provided this section shall not apply to allowances made by Commissioners, Courts or Boards of Revenue to county officers for ex officio services.

69. All stationery, printing, paper and fuel used in the legislative and other departments of government shall be furnished and the printing, binding and distribution of laws, Journals, department reports, and all other printing, binding and repairing and furnishing the halls and rooms used for the meeting of the Legislature and its committees, shall be performed under contract, to be given to the lowest responsible bidder below a maximum price, and under such regulations as shall be prescribed by law; no member or officer of any department of the government shall be in any way interested in such contracts, and all such contracts shall be subject to the approval of the Governor, Auditor and Treasurer.

70. All bills for raising revenue shall originate in the House of Representatives. The Governor, Auditor and Attorney General shall, before each regular session of the Legislature, prepare a general revenue bill to be submitted to the Legislature, for its information, and the Secretary of State shall have printed for the use of the Legislature a sufficient number of copies

of the bill so prepared which the Governor shall transmit to the House of Representatives as soon as organized, to be used or dealt with as that House may elect. The Senate may propose amendments to revenue bills. No revenue bill shall be passed during the last five days of the session.

71. The general appropriation bill shall embrace nothing but appropriations for the ordinary expenses of the Executive, Legislative and Judicial departments of the State, interest on the public debt, and for the public schools. The salary of no officer or employe shall be increased in such bill, nor shall any appropriation be made for any officer or employe unless his employment and the amount of his salary have already been provided for by law. All other appropriations shall be made by separate bill, and each embracing but one subject.

72. No money shall be paid out of the Treasury except upon appropriation made by law, and on warrant drawn by the proper officer in pursuance thereof; and a regular statement and account of receipts and expenditures of all public moneys shall be published annually, in such manner as may be by law directed.

73. No appropriation shall be made to any charitable or educational institution not under the absolute control of the State, other than normal schools established by law for the professional training of teachers for the public schools of the State, except by vote of two-thirds of all members elected to each House.

74. No act of the Legislature shall authorize the investment of any trust fund by executors, administrators, guardians and other trustees in the bonds or stock of any private corporation; and any such acts now existing are avoided, saving investments heretofore made.

75. The power to change the venue in civil and criminal cases is vested in the courts, to be exercised in such manner as shall be provided by law.

76. When the Legislature shall be convened in special session there shall be no legislation upon subjects other than those designated in the proclamation of

the Governor calling such session, except by a vote of two-thirds of each House. Special sessions shall be limited to thirty days.

77. No State office shall be continued or created for the inspection or measuring of any merchandise, manufacture or commodity, but any county or municipality may appoint such officers when authorized by law.

78. No act of the Legislature changing the seat of government of the State shall become a law until the same shall have been submitted to the qualified electors of the State at a general election, and approved by a majority of such electors voting on the same; and such act shall specify the proposed new location.

79. A member of the Legislature who shall solicit, demand, or receive, or consent to receive, directly or indirectly, for himself or for another, from any company, corporation or person, any money, office, appointment, employment, reward, thing of value, or enjoyment, or personal advantage or promise thereof, for his vote or official influence or for withholding the same, or with an understanding, expressed or implied, that his vote or his official action shall in any way be influenced thereby; or who shall solicit or demand any such money or other advantage, matter or thing aforesaid, for another as the consideration of his vote or influence, or for withholding the same; or shall give or withhold his vote or influence in consideration of the payment or promise of such money, advantage, matter or thing to another, shall be guilty of bribery within the meaning of this Constitution; and shall incur the disabilities and penalties provided thereby for such offense, and such additional punishment as is or shall be provided by law.

80. Any person who shall, directly or indirectly, offer, give or promise any money, or thing of value, testimonial, privilege, or personal advantage, to any executive or judicial officer or member of the Legislature to influence him in the performance of any of his public or official duties, shall be guilty of bribery and be punished in such manner as may be provided by law.

81. The offense of corrupt solicitation of members of the Legislature or of public officers of this State or of any municipal division thereof, and any occupation or practice of solicitation of such members or officers, to influence their official action, shall be defined by law, and shall be punished by fine and imprisonment in the penitentiary; and the Legislature shall provide for the trial and punishment of the offenses enumerated in the two preceding sections, and shall require the Judges to give the same specially in charge to the Grand Juries in all the counties of this State.

82. A member of the Legislature who has a personal or private interest in any measure or bill, proposed or pending before the Legislature, shall disclose the fact to the House of which he is a member, and shall not vote thereon.

83. In all elections by the Legislature, the members shall vote viva voce, and the votes shall be entered on the Journals.

84. It shall be the duty of the Legislature to pass such laws as may be necessary and proper to decide differences by arbitrators, to be appointed by the parties, who may choose that mode of adjustment.

85. It shall be the duty of the Legislature, at its first session after the ratification of this Constitution, and within every subsequent period of twelve years, to make provision by law for the revision, digesting and promulgation of the public statutes of this State, of a general nature, both civil and criminal.

86. The Legislature shall pass such penal laws as they may deem expedient, to suppress the evil practice of dueling.

87. It shall be the duty of the Legislature to regulate by law the cases in which deduction shall be made from the salaries or compensation of public officers for neglect of duty in their official capacities, and the amount of such deduction.

88. It shall be the duty of the Legislature to require the several counties of this State to make adequate provision for the maintenance of the poor.

89. The Legislature shall not have power to authorize any municipal corporations to pass any laws inconsistent with the general laws of this State.

90. In the event of annexation of any foreign territory to this State, the Legislature shall enact laws extending to the inhabitants of the acquired territory all the rights and privileges which may be required by the terms of the acquisition not inconsistent with this Constitution. Should the State purchase such foreign territory the Legislature, with the approval of the Governor, shall be authorized to expend any money in the Treasury not otherwise appropriated, and if necessary, to provide also for the issuance of State bonds to pay for the purchase of such foreign territory.

91. The Legislature shall not tax the property real or personal, of the State, counties or other municipal corporations, or cemeteries; nor lots in incorporated cities or towns, or within one mile of any city or town, to the extent of one acre, nor lots one mile or more distant from such cities or towns, to the extent of five acres, with the buildings thereon, when the same are used exclusively for religious worship, for schools or for purposes purely charitable.

92. The Legislature shall, by law, prescribe such rules and regulations as may be necessary to ascertain the value of real and personal property, exempted from sale under legal process by this Constitution; and to secure the same to the claimant thereof as selected.

93. The State shall not engage in works of internal improvement, nor lend money or its credit in aid of such; nor shall the State be interested in any private or corporate enterprise, or lend money or its credit to any individual, association or corporation.

94. The Legislature shall not have power to authorize any county, city, town or other subdivision of this State to lend its credit, or to grant public money or thing of value, in aid of, or to any individual, association or corporation whatsoever, or to become a stockholder in any such corporation, association, or company by issuing bonds or otherwise.

95. There can be no law of this State impairing the obligation of contracts by destroying or impairing the remedy for their enforcement; and the Legislature shall have no power to revive any right or remedy which may have become barred by lapse of time, or by any statute of this State. After suit has been commenced on any cause of action, the Legislature shall have no power to take away such cause of action, or to destroy any existing defense to such suit.

96. The Legislature shall not enact any law not applicable to all the counties in the State, regulating costs and charges of courts, or fees, commissions or allowances of public officers.

97. The Legislature shall not authorize payment to any person of the salary of a deceased officer beyond the date of his death.

98. The Legislature shall not retire any officer on pay, or part pay, or make any grant to such retiring officer.

99. Lands belonging to, or under the control of the State shall never be donated directly or indirectly to private corporations, associations or individuals, or railroad companies; nor shall such lands be sold to corporations or associations for a less price than that for which they are subject to sale to individuals; provided, that nothing contained in this section shall prevent the Legislature from granting a right of way, not exceeding 125 feet in width, as a mere easement, to railroads or telegraph or telephone lines across State lands, and the Legislature shall never dispose of the land covered by said right of way, except subject to such easement.

100. No obligation or liability of any person, association or corporation held or owned by this State, or by any county, or other municipality thereof, shall ever be remitted, released, or postponed, or in any way diminished, by the Legislature; nor shall such liability or obligation be extinguished except by payment thereof; nor shall such liability, or obligation be exchanged or transferred except upon payment of its face value; provided, that this section shall not pre-

vent the Legislature from providing, by general law, for the compromise of doubtful claims.

101. No State or county official shall, at any time during his term of office, accept, either directly or indirectly, any fee, money, office, appointment, employment, reward or thing of value, or of personal advantage, or the promise thereof, to lobby for or against any measure pending before the Legislature, or to give or withhold his influence to secure the passage or defeat of any such measure.

102. The Legislature shall never pass any law to authorize or legalize any marriage between any white person and a negro or descendant of a negro.

103. The Legislature shall provide by law for the regulation, prohibition or reasonable restraint of common carriers, partnerships, associations, trusts, monopolies and combinations of capital so as to prevent them or any of them from making scarce articles of necessity, trade or commerce, or from increasing unreasonably the cost thereof to the consumer, or preventing reasonable competition in any calling, trade or business.

#### LOCAL LEGISLATION.

Section 104—The Legislature shall not pass a special, private or local law in any of the following cases:

First—Granting a divorce.

Second—Relieving any minor of the disabilities of non-age.

Third—Changing the name of any corporation, association or individual.

Fourth—Providing for the adopting or legitimizing of any child.

Fifth—Incorporating a city, town or village.

Sixth—Granting a charter to any corporation, association or individual.

Seventh—Establishing rules of descent or distribution.

Eighth—Regulating the time within which a civil or criminal action may be begun.



Ninth—Exempting any individual, private corporation or association from the operation of any general law.

Tenth—Providing for the sale of the property of any individual or estate.

Eleventh—Changing or locating a county seat.

Twelfth—Providing for a change of venue in any case.

Thirteenth—Regulating the rate of interest.

Fourteenth—Fixing the punishment of crime.

Fifteenth—Regulating either the assessment or collection of taxes, except in connection with the readjustment, renewal or extension of existing municipal indebtedness, created prior to the ratification of the Constitution of 1875.

Sixteenth—Giving effect to an invalid will, deed or other instrument.

Seventeenth—Authorizing any county, city, town, village, district or other political subdivision of a county, to issue bonds or other securities unless the issuance of said bonds or other securities shall have been authorized before the enactment of such local or special law, by a vote of the duly qualified electors of such county, township, city, town, village, district or other political subdivision of a county, at an election held for such purpose, in the manner that may be prescribed by law; provided, the Legislature may, without such election, pass special laws to refund bonds issued before the date of the ratification of this Constitution.

Eighteenth—Amending, confirming or extending the charter of any private municipal corporation or remitting the forfeiture thereof; provided, this shall not prohibit the Legislature from altering or re-arranging the boundaries of any city, town or village.

Nineteenth—Creating, extending or impairing any lien.

Twentieth—Chartering or licensing any ferry, road or bridge.

Twenty-first—Increasing the jurisdiction and fees of Justices of the Peace, or the fees of Constables.

Twenty-second—Establishing separate school districts.

Twenty-third—Establishing separate stock districts.

Twenty-fourth—Creating, increasing or decreasing fees, percentages or allowances of public officers.

Twenty-fifth—Exempting property from taxation or from levy or sale.

Twenty-sixth—Exempting any person from jury, road or other civil duty.

Twenty-seventh—Donating any land owned by or under control of the State to any person or corporation.

Twenty-eighth—Remitting fines, penalties or forfeitures.

Twenty-ninth—Providing for the conduct of elections or designating places of voting, or changing the boundaries of wards, precincts or districts, except in the event of the organization of new counties, or the changing of the lines of old counties.

Thirtieth—Restoring the right to vote to persons convicted of infamous crimes or crimes involving moral turpitude.

Thirty-first—Declaring who shall be liners between precincts or between counties.

105. No special, private or local law, except a law fixing the time of holding court, shall be enacted in any case, which is provided for by a general law, or when the relief sought can be given by any court of this State, and the Courts, and not the Legislature shall judge as to whether the matter of said law is provided for by a general law, and as to whether the relief sought can be given by any court; nor shall the Legislature indirectly enact any such special, private or local law by the partial repeal of a general law.

The Legislature shall pass general laws for the cases enumerated in this section; provided, that nothing in this section or article shall affect the right of the Legislature to enact local laws regulating or prohibiting the liquor traffic; but no such local law shall be enacted unless notice shall have been given as required in Section 106 of this Constitution.

106. No special, private or local law shall be passed on any subject not enumerated in Section 104 of this Constitution, except in reference to fixing the time of holding courts, unless notice of the intention to apply therfor shall have been published, without cost to the State, in the county or counties where the matter or thing to be affected may be situated, which notice shall state the substance of the proposed law, and be published at least once a week for four consecutive weeks in some newspaper published in such county or counties, or if there is no newspaper published therein, then by posting the said notice for four consecutive weeks at five different places in the county or counties prior to the introduction of the bill; and proof by affidavit that said notice has been given shall be exhibited to each house of the Legislature, and said proof spread upon the Journal. The courts shall pronounce void every local law which the Journals do not affirmatively show was passed in accordance with the provisions of this section.

107. The Legislature shall not, by a special, private or local law, repeal or modify any special, private or local law except upon notice being given and shown as provided in the last preceding section.

108. The operation of a general law shall not be suspended for the benefit of any individual, private corporation or association, nor shall any individual, private corporation or association be exempted from the operation of any general law, except as in this article otherwise provided.

109. The Legislature shall pass general laws under which local and private interests shall be provided for and protected.

110. A general law, within the meaning of this article, is a law which applies to the whole State; a local law is a law which applies to any political subdivision or subdivisions of the State less than the whole—a special or private law, within the meaning of this article, is one which applies to an individual, association or corporation.

111. No bill introduced as a general law in either House of the Legislature shall be so amended on its pass-

age as to become a special, private or local law.

Mr. Watts offered the following amendment to Article IV, which was adopted:

Amend Section 106 by inserting before "local" in line 13, the words "special, private, or."

Mr. Sanford offered the following amendment to Article IV:

Amend the report of the committee by striking out the words "provided, this shall not prohibit the Legislature from altering or rearranging the boundaries of any city, town or village," in line 24, page 23.

On motion of Mr. Vaughan the amendment was laid upon the table.

Mr. O'Neal of Lauderdale offered the following amendment to Article IV:

Amend Section 48, line 7, by striking out the word "quadriennially" and inserting in lieu thereof the word "biennially" and strike out the word "fifty" at the end of line 10, and insert in lieu thereof the word "forty."

On motion of Mr. Rogers of Sumter the amendment offered by Mr. O'Neal of Lauderdale, was laid upon the table: Yeas, 93; nays, 31.

#### YEAS.

Messrs. President,	Coleman (Greene),
Altman,	Coleman (Walker),
Ashcraft,	Cornwell,
Barefield,	Craig,
Beavers,	Cunningham,
Beddow,	Davis (DeKalb),
Bethune,	Davis (Etowah),
Blackwell,	Dent,
Boone,	deGraffenried,
Burnett,	Eley,
Cardon,	Ferguson,
Carmichael (Colbert),	Fletcher,
Carmichael (Coffee),	Glover,
Carnathon,	Graham (Talladega),
Case,	Grant,
Chapman,	Greer (Calhoun),

Greer (Perry),  
 Haley,  
 Handley,  
 Harrison,  
 Heflin (Chambers),  
 Hodges,  
 Howell,  
 Howze,  
 Inge,  
 Jackson,  
 Jones (Bibb),  
 Jones (Hale),  
 Jones (Wilcox),  
 Knight,  
 Kyle,  
 Ledbetter,  
 Long (Walker),  
 Lowe (Lawrence),  
 Macdonald,  
 McMillan (Baldwin),  
 McMillan (Wilcox),  
 Martin,  
 Merrill,  
 Miller (Marengo),  
 Miller (Wilcox),  
 Mulkey,  
 Norman,  
 O'Rear,  
 Palmer,  
 Parker (Cullman),  
 Parker (Elmore),

Pearce,  
 Pettus,  
 Phillips,  
 Pilians,  
 Reese,  
 Reynolds (Henry),  
 Rogers (Sumter),  
 Samford,  
 Sanders,  
 Searcy,  
 Sentell,  
 Sloan,  
 Smith (Mobile),  
 Smith, Mac. A.,  
 Smith, Morgan M.,  
 Sorrell,  
 Spragins,  
 Stewart,  
 Tayloe,  
 Vaughan,  
 Waddell,  
 Walker,  
 Weakley,  
 Weatherly,  
 White,  
 Whiteside,  
 Williams (Marengo),  
 Williams (Elmore),  
 Wilson (Clarke),  
 Wilson (Washington)~93.

#### NAYS.

Messrs. Banks,  
 Bartlett,  
 Brooks,  
 Burns,  
 Byars,  
 Cobb,  
 Duke,

Foshee,  
 Foster,  
 Freeman,  
 Gilmore,  
 Graham (Montgomery),  
 Grayson,  
 Heflin (Randolph),

Henderson,  
Hood,  
Jones (Montgomery),  
Lomax,  
Moody,  
Murphree,  
Oates,  
O'Neal (Lauderdale),  
Opp,

Porter,  
Reynolds (Chilton),  
Sanford,  
Spears.  
Thompson,  
Watts,  
Williams (Barbour),  
Winn—31.

Mr. Howell offered the following amendment to Article IV:

Amend Section 48, line 10, by inserting the word "working" between the words "sixty" and "days;" also in lines 10 and 11 insert the word "working" between the words "fifty" and "days."

On motion of Mr. Foster the amendment was laid upon the table.

Mr. Oates offered the following amendment to Article IV:

Amend Section 102 by adding thereto the following words: "Within the fourth degree through one ancestor of each generation should be a white person."

On motion of Mr. Greer of Calhoun, the amendment was laid upon the table.

#### RECESS.

Pending the further consideration of the report of the Committee on Order, Consistency and Harmony of the Whole Constitution, the hour of 1 o'clock p. m. arrived, and, under the rules, the Convention recessed until 3:30 o'clock this afternoon.

#### AFTERNOON SESSION.

The Convention met pursuant to adjournment.

#### ROLL CALL.

On a call of the roll of the Convention, the following delegates answered to their names, which constituted a quorum:

<b>Messrs. President,</b>	<b>Haley,</b>
<b>Altman,</b>	<b>Handley,</b>
<b>Ashcraft,</b>	<b>Harrison,</b>
<b>Banks,</b>	<b>Heflin (Randolph),</b>
<b>Barefield,</b>	<b>Hodges,</b>
<b>Bartlett,</b>	<b>Hood,</b>
<b>Beavers,</b>	<b>Howell,</b>
<b>Beddow,</b>	<b>Howze,</b>
<b>Bethune,</b>	<b>Inge,</b>
<b>Blackwell,</b>	<b>Jones, (Bibb),</b>
<b>Brooks,</b>	<b>Jones (Wilcox),</b>
<b>Byars,</b>	<b>Knight,</b>
<b>Cardon,</b>	<b>Kyle,</b>
<b>Carnathon,</b>	<b>Lomax,</b>
<b>Case,</b>	<b>Long (Walker),</b>
<b>Chapman,</b>	<b>Lowe (Lawrence),</b>
<b>Cobb,</b>	<b>Macdonald,</b>
<b>Cofer,</b>	<b>McMillan (Baldwin),</b>
<b>Coleman (Greene),</b>	<b>McMillan (Wilcox),</b>
<b>Coleman (Walker),</b>	<b>Miller (Marengo),</b>
<b>Cornwell,</b>	<b>Miller (Wilcox)</b>
<b>Craig,</b>	<b>Moody,</b>
<b>Cunningham,</b>	<b>Murphree,</b>
<b>Davis (DeKalb),</b>	<b>NeSmith,</b>
<b>Davis (Etowah),</b>	<b>Norman,</b>
<b>Dent,</b>	<b>Norwood,</b>
<b>deGraffenried,</b>	<b>O'Neal (Lauderdale),</b>
<b>Duke,</b>	<b>O'Neill (Jefferson),</b>
<b>Eley,</b>	<b>Opp,</b>
<b>Ferguson,</b>	<b>O'Rear,</b>
<b>Fitts,</b>	<b>Palmer,</b>
<b>Fletcher,</b>	<b>Parker (Cullman),</b>
<b>Foshee,</b>	<b>Parker (Elmore),</b>
<b>Foster,</b>	<b>Porter,</b>
<b>Freeman,</b>	<b>Reese,</b>
<b>Gilmore,</b>	<b>Reynolds (Henry),</b>
<b>Glover,</b>	<b>Rogers (Lowndes),</b>
<b>Graham (Talladega),</b>	<b>Sanders,</b>
<b>Grant,</b>	<b>Sanford,</b>
<b>Greer (Calhoun),</b>	<b>Sentell,</b>
<b>Greer (Perry),</b>	<b>Smith, Mac. A.,</b>

Smith, Morgan M.  
Sorrell,  
Spears,  
Spragins,  
Stewart,  
Tayloe,  
Thompson,  
Vaughan,  
Waddell,

Walker,  
Watts,  
Weakley,  
Weatherly,  
White,  
Whiteside,  
Williams (Barbour),  
Winn—99.

## RESOLUTION.

Mr. Reese offered the following resolution:

Resolution 325:

Resolved, That when this Convention shall adjourn to-day at 7 o'clock p. m. it shall stand adjourned to meet again at 8:30 to-night.

Mr. Reese moved that the rules be suspended in order to consider the resolution immediately.

The motion to suspend the rules prevailed.

The question recurred upon the adoption of the resolution.

The resolution was lost.

## UNFINISHED BUSINESS.

The Convention proceeded to the consideration of the unfinished business, which was the report of the Committee on Order, Consistency and Harmony of the Whole Constitution.

Mr. Jones of Montgomery offered the following amendment to Article IV, which was adopted:

Amend Section 68 of the Article on Legislative Department, by striking out the period at the end of the section, and inserting in lieu thereof a semicolon, and by inserting the following words immediately after the semicolon, to-wit: "Nor prevent the Legislature from increasing or diminishing, at any time, the allowance to Sheriffs or other officers for feeding or transporting and guarding prisoners."

Mr. Howze offered the following amendment to Article IV:



Amend Section 74, line 23, by striking out the word "heretofore" and adding the words "prior to the ratification of the Constitution of 1875."

On motion of Mr. deGraffenried the amendment offered by Mr. Howze was laid upon the table.

Mr. Weatherly moved that the word "other" in line 22, Section 74, be stricken out.

The motion was lost.

Mr. Coleman of Greene offered the following amendment to Article IV:

Amend by striking out Section 110, on page 25, report of Legislative Department.

On motion of Mr. Boone the amendment of Mr. Coleman of Greene was laid upon the table.

Mr. Jones of Wilcox offered the following amendment to Article IV:

Add at the end of subdivision 21, line 3, page 24, Local Legislation: "And laws heretofore passed by the Legislature increasing the jurisdiction of Justices of the Peace in Wilcox county are hereby repealed."

On motion of Mr. Walker the amendment offered by Mr. Jones of Wilcox was laid upon the table.

On motion of Mr. White Article IV, as amended, was adopted.

Supplemental report of the Committee on Order, Consistency and Harmony of the Whole Constitution.

*Mr. President:*

Your Committee on Order, Consistency and Harmony of the Whole Constitution, for the reasons hereinbelow stated, have instructed me to make the following supplemental report:

The provision that Sheriffs shall hold their office for a term of four years, together with the fact that the Sheriffs who are elected in the year 1900 would, without some amendments, put the election of Sheriffs at a time other than that at which all other county officers are elected.

The committee have accordingly inserted at the end of the first sentence of Section 138, the following proviso: "Provided, That the Sheriffs elected in the year

1904 shall hold their offices for a term of six years, unless sooner removed.

Respectfully submitted,

FRANK S. WHITE, *Chairman.*

## ARTICLE V.

### EXECUTIVE DEPARTMENT.

Was read at length as follows:

## ARTICLE V.

### EXECUTIVE DEPARTMENT.

112. The Executive Department shall consist of a Governor, Lieutenant Governor, Attorney General, State Auditor, Secretary of State, State Treasurer, Superintendent of Education, Commissioner of Agriculture and Industries, and a Sheriff for each county.

113. The supreme executive power of this State shall be vested in a chief magistrate, who shall be styled "the Governor of the State of Alabama."

114. The Governor, Lieutenant Governor, Attorney General, State Auditor, Secretary of State, State Treasurer, Superintendent of Education and Commissioner of Agriculture and Industries, shall be elected by the qualified electors of the State at the same time and places appointed for the election of members of the Legislature in the year 1902, and in every fourth year thereafter.

115. The returns of every election for Governor, Lieutenant Governor, Attorney General, State Auditor, Secretary of State, State Treasurer, Superintendent of Education and Commissioner of Agriculture and Industries shall be sealed up and transmitted by the returning officers to the seat of government, directed to the Speaker of the House of Representatives, who shall, during the first week of the session to which such returns shall be made, open and publish them in the presence of both houses of the Legislature in joint

convention; but the Speaker's duty, and the duty of the joint convention shall be purely ministerial. The result of the election shall be ascertained and declared by the speaker from the face of the returns without delay. The person having the highest number of votes for any one of said offices shall be declared duly elected; but if two or more persons shall have an equal and the highest number of votes for the same office, the Legislature by joint vote, without delay, shall choose one of said persons for said office. Contested elections for Governor, Lieutenant Governor, Attorney General, State Auditor, Secretary of State, State Treasurer, Superintendent of Education, and Commissioner of Agriculture and Industries shall be determined by both Houses of the Legislature in such manner as may be prescribed by law.

116. The Governor, Lieutenant Governor, Attorney General, State Auditor, Secretary of State, State Treasurer, Superintendent of Education and Commissioner of Agriculture and Industries elected after the ratification of this Constitution, shall hold their respective offices for the term of four years from the first Monday after the second Tuesday in January next succeeding their election, and until their successors shall be elected and qualified. After the first election under this Constitution no one of said officers shall be eligible as his own successor; and the Governor shall not be eligible to election or appointment to any office under this State or to the Senate of the United States, during his term, and within one year after the expiration thereof.

117. The Governor and Lieutenant Governor shall each be at least thirty years of age when elected, and shall have been citizens of the United States ten years and resident citizens of this State at least seven years next before the date of their election. The Lieutenant Governor shall be ex-officio President of the Senate, but shall have no right to vote except in the event of a tie.

118. The Governor, Lieutenant Governor, Attorney General, State Auditor, Secretary of State, State Treasurer, Superintendent of Education, and Commissioner of Agriculture and Industries shall receive compensation

to be fixed by law, which shall not be increased or diminished during the term for which they shall have been elected, and shall, except the Lieutenant Governor, reside at the State Capital during the time they continue in office, except during epidemics. The compensation of the Lieutenant Governor shall be the same as that received by the Speaker of the House, except while serving as Governor, during which time his compensation shall be the same as that allowed the Governor.

119. If the Legislature, at the session next after the ratification of this Constitution, shall enact a law increasing the salary of the Governor, such increase shall become effective and apply to the first Governor elected after the ratification of this Constitution, if the Legislature shall so determine.

120. The Governor shall take care that the laws be faithfully executed.

121. The Governor may require information in writing, under oath, from the officers of the Executive Department named in this article, or created by statute, on any subject relating to the duties of their respective offices; and he may at any time require information in writing, under oath, from all officers and managers of State institutions, upon any subject relating to the condition, management, and expenses of their respective offices and institutions. Any such officer or manager who makes a wilfully false report, or fails without sufficient excuse to make such report on demand, is guilty of an impeachable offense.

122. The Governor may, by proclamation on extraordinary occasions, convene the Legislature at the seat of government, or, at a different place, if since their last adjournment, that shall have become dangerous from an enemy, insurrection, or other lawless outbreak, or from any infectious or contagious disease; he shall state specifically in such proclamation each matter concerning which the action of that body is deemed necessary.

123. The Governor shall, from time to time, give to the Legislature information of the state of the government, and recommend for its consideration such

measures as he may deem expedient; and at the commencement of each regular session of the Legislature, and at the close of his term of office, give information, by written message, of the condition of the State; and he shall account to the Legislature, as may be prescribed by law, for all moneys received and paid out by him, or by his order; and, at the commencement of each regular session, he shall present to the Legislature estimates of the amount of money required to be raised by taxation for all purposes.

124. The Governor shall have power to remit fines and forfeitures, under such rules and regulations as may be prescribed by law; and, after conviction, to grant reprieves, paroles, commutations of sentence and pardons, except in cases of impeachment. The Attorney General, Secretary of State and State Auditor shall constitute a Board of Pardons, who shall meet on the call of the Governor, and before whom shall be laid all recommendations or petitions, for pardon or commutations or paroles, in cases of felony; and the Board shall hear them in open session, and give their opinion thereon in writing to the Governor, after which or on the failure of the board to advise for more than 60 days the Governor may grant or refuse the commutation, parole or pardon, as to him seems best for the public interest. He shall communicate to the Legislature at each session, every remission of fines and forfeitures and every reprieve, commutation, parole, or pardon, with his reasons therefor, and the opinion of the Board of Pardons in each case required to be referred; stating the name and crime of the convict, the sentence, its date, and the date of reprieve, commutation, parole or pardon. Pardons in cases of felony and other offenses involving moral turpitude, shall not relieve from civil and political disabilities, unless approved by the Board of Pardons and specifically expressed in the pardon.

125. Every bill which shall have passed both Houses of the Legislature, except as otherwise provided in this Constitution, shall be presented to the Governor; if he approve, he shall sign it; but if not, he shall

return it, with his objections, to the House in which it originated, which shall enter the objections at large upon the Journal, and proceed to reconsider it. If the Governor's message proposes no amendment which would remove his objections to the bill, the House in which the bill originated may proceed to reconsider it, and if a majority of the whole number elected to that House vote for the passage of the bill, it shall be sent to the other House, which shall, in like manner, reconsider, and if a majority of the whole number elected to that House vote for the passage of the bill the same shall become a law, notwithstanding the Governor's veto. If the Governor's message proposes amendment which would remove his objections, the House to which it is sent may so amend the bill and send it with the Governor's message to the other House, which may adopt, but cannot amend said amendment; and both Houses concurring in the amendment, the bill shall again be sent to the Governor, and acted on by him as other bills. If the House to which the bill is returned refuses to make such amendment, it shall proceed to reconsider; and if a majority of the whole number elected to that House, shall vote for the passage of the bill, it shall be sent with the objections to the other House, by which it shall likewise be reconsidered, and if approved by a majority of the whole number elected to that House it shall become a law. If the House to which the bill is returned makes the amendment and the other House declines to pass the same, that House shall proceed to reconsider, as though the bill had originated therein, and such proceedings shall be taken thereon as above provided. In every such case the vote of both Houses shall be determined by yeas and nays and the names of the members voting for or against the bill shall be entered upon the Journals of each House respectively. If any bill shall not be returned by the Governor within six days, Sundays excepted, after it shall have been presented, the same shall become a law in like manner as if he had signed it, unless the Legislature, by its adjournment, prevent the return, in which

case it shall not be a law; but when return is prevented by recess such bill must be returned to the House in which it originated within two days after reassembling otherwise it shall become a law; but bills presented to the Governor within five days before the final adjournment of the Legislature may be approved by the Governor at any time within ten days after such adjournment, and if approved and deposited with the Secretary of State within that time, shall become a law. Every vote, order or resolution to which concurrence of both Houses may be necessary, except on questions of adjournment, and the bringing on of elections by the two Houses, and amending this Constitution, shall be presented to the Governor; and before the same shall take effect, be approved by him; or, being disapproved, shall be repassed by both Houses, according to the rules and limitations prescribed in the case of a bill.

126. The Governor shall have power to approve or disapprove any item or items of any appropriation bill embracing distinct items, and the part or parts of the bill approved shall be the law; and the item or items disapproved shall be void, unless repassed, according to the rules and limitations prescribed for the passage of bills over the Executive veto; and he shall in writing, state specifically the item or items he disapproves, setting the same out in full in his message; but in such case, the enrolled bill shall not be returned with the Governor's objection.

127. In case of the Governor's removal from office, death or resignation, the Lieutenant Governor shall become Governor. If both the Governor and Lieutenant Governor be removed from office, die or resign more than sixty days prior to the next general election for members of the Legislature, the Governor and Lieutenant Governor shall be elected at such election for the unexpired term, and in the event of a vacancy in the office, caused by the removal from office, death or resignation, of the Governor and the Lieutenant Governor, pending such vacancy and until their successors shall be elected and qualified, the office of Governor shall be held and administered by either

the President pro tem of the Senate, Speaker of the House of Representatives, Attorney General, State Auditor, Secretary of State, or State Treasurer in the order herein named. In case of the impeachment of the Governor, his absence from the State for more than twenty days, unsoundness of mind, or other disability, the power and authority of the office shall until the Governor is acquitted, returns to the State, or is restored to his mind, or relieved from other disability, devolve in the order herein named, upon the Lieutenant Governor, President pro tem of the Senate, Speaker of the House of Representatives, Attorney General, State Auditor, Secretary of State, and State Treasurer; if any of these officers be under any of the disabilities herein specified, the office of Governor shall be administered in the order named by such of these officers as may be free from such disability. If the Governor shall be absent from the State over twenty days, the Secretary of State shall notify the Lieutenant Governor, who shall enter upon the duties of Governor; if both the Governor and Lieutenant Governor shall be absent from the State for over twenty days, the Secretary of State shall notify the President pro tem of the Senate, who shall enter upon the duties of Governor, and so on, in case of such absence, he shall notify each of the other officers named in their order, who shall discharge the duties of the office until the Governor or other officer entitled to administer the office in succession to the Governor returns. If the Governor-elect fail or refuse from any cause to qualify, the Lieutenant Governor shall qualify and exercise the duties of Governor until the Governor-elect qualifies; and, in the event both the Governor-elect and the Lieutenant Governor-elect from any cause fail to qualify the President pro tem of the Senate, the Speaker of the House of Representatives, the Attorney General, State Auditor, Secretary of State, and State Treasurer shall in like manner, in the order named, administer the office, until the Governor-elect or Lieutenant-Governor-elect qualifies.

128. If the Governor or other officer administering the office shall appear to be of unsound mind, it shall be



the duty of the Supreme Court of Alabama, at any regular term, or at any special term, which it is hereby authorized to call for that purpose, upon request in writing, verified by their affidavits, of any two of the officers named in Section 127 of this Constitution, not next in succession to the office of Governor, to ascertain the mental condition of the Governor or other officer administering the office, and if he is adjudged to be of unsound mind, to so decree, a copy of which decree, duly certified, shall be filed in the office of the Secretary of State; and in the event of such adjudication it shall be the duty of the officer next in succession to perform the duties of the office until the Governor or other officer administering the office is restored to his mind. If the incumbent denies that the Governor or other person entitled to administer the office has been restored to his mind, the Supreme Court, at the instance of any officer named in Section 127 of this Constitution, shall ascertain the truth concerning the same, and if the officer has been restored to his mind, shall so adjudge and file a duly certified copy of its decree with the Secretary of State and in the event of such adjudication the office shall be restored to him. The Supreme Court shall prescribe the method of taking testimony and the rules of practice in such proceedings, which rules shall include a provision for the service of notice of such proceedings on the Governor or person acting as Governor.

129. The Lieutenant Governor, President pro tem of the Senate, Speaker of the House, Attorney General, State Auditor, Secretary of State, or State Treasurer, while administering the office of Governor, shall receive like compensation as that prescribed by law for the Governor, and no other.

130. No person shall at the same time hold the office of Governor, and any other office, civil or military, under this State or the United States, or any other State or government, except as otherwise provided in this Constitution.

131. The Governor shall be commander in chief of the militia and volunteer forces of this State, except when they shall be called into the service of the United

States; and he may call out the same to execute the laws, suppress insurrection, and repel invasion; but need not command in person unless directed to do so by resolution of the Legislature; and when acting in the service of the United States he shall appoint his staff, and the Legislature shall fix his rank.

132. No person shall be eligible to the office of Attorney General, State Auditor, Secretary of State, State Treasurer, Superintendent of Education, or Commissioner of Agriculture and Industries unless he shall have been a citizen of the United States at least seven years, and shall have resided in this State at least five years next preceding his election, and shall be at least twenty-five years old when elected.

133. There shall be a seal of the State, which shall be used officially by the Governor, and the Seal now in use shall continue to be used until another shall have been adopted by the Legislature. The seal shall be called "The Great Seal of the State of Alabama."

134. The Secretary of State shall be the custodian of the Great Seal of the State, and shall authenticate therewith all official acts of the Governor, except his approval of laws, resolutions, appointments to office and administrative orders. He shall keep a register of the official acts of the Governor, and when necessary, shall attest them, and lay copies of same, together with copies of all papers relative thereto, before either House of the Legislature, when required to do so, and shall perform such other duties as may be prescribed by law.

135. All grants and commissions shall be issued in the name and by the authority of the State of Alabama, sealed with the Great Seal of the State, signed by the Governor, and countersigned by the Secretary of State.

136. Should the office of Attorney General, State Auditor, Secretary of State, State Treasurer, Superintendent of Education, or Commissioner of Agriculture and Industries become vacant from any cause, the Governor shall fill such vacancy until the disability is removed or a successor elected and qualified. In case any of said officers shall become of unsound mind, such un-

soundness shall be ascertained by the Supreme Court upon the suggestion of the Governor.

137. The Attorney General, State Auditor, Secretary of State, State Treasurer, Superintendent of Education, and Commissioner of Agriculture and Industries shall perform such duties as may be prescribed by law. The State Treasurer and State Auditor shall every year, at a time fixed by the Legislature, make a full and complete report to the Governor, showing the receipts and disbursements of every character, all claims audited and paid out, by items, and all taxes and revenues collected and paid into the treasury, and the sources thereof. They shall make reports oftener upon any matters pertaining to their offices if required by the Governor or the Legislature. The Attorney General, State Auditor, Secretary of State, State Treasurer, and Commissioner of Agriculture and Industries shall not receive to their use any fees, costs, perquisites of office or other compensation than the salaries prescribed by law, and all fees that may be payable for any services performed by such officers shall be at once paid into the State Treasury.

138. A Sheriff shall be elected in each county by the qualified electors thereof, who shall hold office for a term of four years, unless sooner removed, and he shall be ineligible to such office as his own successor; provided, that the Sheriff's elected in the year 1904 shall hold office for a term of six years unless sooner removed. Whenever any prisoner is taken from jail or from the custody of the Sheriff, or his deputies, and put to death, or suffers grievous bodily harm, owing to the neglect, connivance, cowardice or other grave fault of the Sheriff, such Sheriff may be impeached under Section 174 of this Constitution. If the Sheriff be impeached and thereupon convicted he shall not be eligible to hold any office in this State during the time for which he had been elected to serve as Sheriff.

Mr. Jones of Montgomery offered the following amendment to Article V:

Amend Section 138 of the Article on Executive Department as reported by the Committee on Order, Con-

sistency and Harmony of the Whole Constitution, as follows: Strike out the words "and he shall be ineligible to such office as his own successor," in lines 18 and 19, and insert in lieu thereof the following words, to-wit: "Who may succeed himself, but shall not hold such office for more than two of any three consecutive terms." Insert after the word "Constitution," in the 22nd line of page 35 of printed report and before the word "if" therein, the words "and the Governor, when satisfied, after hearing the Sheriff, that he should be impeached, may suspend him from office until the impeachment proceedings are terminated." Amend further by striking out the period after the word "Constitution," and inserting a semicolon in lieu of the period.

Mr. Coleman of Greene moved to table the amendment offered by Mr. Jones of Montgomery.

The motion was lost: Yeas, 60; nays, 62.

## YEAS.

Messrs. President,	Grant,
Altman,	Grayson,
Ashcraft,	Handley,
Banks,	Harrison,
Beddow,	Hood,
Bethune,	Howze,
Blackwell,	Jackson,
Brooks,	Jones (Bibb),
Browne,	Kyle,
Carnathon,	Lowe (Lawrence),
Chapman,	McMillan (Baldwin),
Cofer,	McMillan (Wilcox),
Coleman (Greene),	Martin,
Cunningham,	Merrill,
Davis (DeKalb),	Miller (Wilcox),
Davis (Etowah),	Murphree,
Dent,	Norman,
Fletcher,	Oates,
Foshee,	Parker (Cullman),
Foster,	Phillips,
Freeman,	Porter,

Reynolds (Henry),  
Rogers (Lowndes),  
Sanford,  
Sloan,  
Smith, Mac. A.,  
Smith, Morgan M.  
Spears,  
Spragins,  
Stewart,

Thompson,  
Walker,  
Watts,  
Weakley,  
White,  
Whiteside,  
Williams (Barbour),  
Williams (Elmore),  
Winn—60.

## NAYS.

Messrs. Barefield,  
Bartlett,  
Beavers,  
Boone,  
Burns,  
Byars,  
Cardon,  
Carmichael (Colbert),  
Case,  
Cobb,  
deGraffenried,  
Duke,  
Eley,  
Eyster,  
Ferguson,  
Gilmore,  
Glover,  
Graham (Montgomery),  
Graham (Talladega),  
Greer (Calhoun),  
Greer (Perry),  
Haley,  
Heflin (Chambers),  
Heflin (Randolph),  
Henderson,  
Howell,  
Inge,

Jones (Hale),  
Jones (Montgomery),  
Jones (Wilcox),  
Knight,  
Lomax,  
Long (Walker),  
Macdonald,  
Miller (Marengo),  
Moody,  
NeSmith,  
Norman,  
O'Neal (Lauderdale),  
O'Neill (Jefferson),  
Opp,  
O'Rear,  
Palmer,  
Parker (Elmore),  
Pearce,  
Pettus,  
Pillans,  
Reese,  
Rogers (Sumter),  
Samford,  
Sanders,  
Searcy,  
Selheimer,  
Sentell,  
Sorrell,

Studdard,  
 Tayloe,  
 Vaughan,  
 Waddell,

Weatherly,  
 Williams (Marengo),  
 Wilson (Clarke)—62

The question recurred upon the adoption of the amendment offered by Mr. Jones of Montgomery.

A division of the question was demanded.

The question was upon the first part of the amendment relative to Sheriffs being ineligible to succeed themselves, and inserting in lieu of the same the words "who may succeed himself, but shall not hold such office for more than two of any three consecutive terms."

The first part of the amendment was lost: Yeas, 55; nays, 64.

#### YEAS.

Messrs. Barefield,  
 Beavers,  
 Boone,  
 Burns,  
 Cardon,  
 Carmichael (Colbert),  
 Cobb,  
 deGraffenried,  
 Duke,  
 Eley,  
 Eyster,  
 Ferguson,  
 Glover,  
 Graham (Montgomery),  
 Graham (Talladega),  
 Greer (Calhoun),  
 Greer (Perry),  
 Heflin (Chambers),  
 Heflin (Randolph),  
 Henderson,  
 Howell,  
 Inge,  
 Jones (Hale),  
 Jones (Montgomery),

Jones (Wilcox),  
 Knight,  
 Lomax,  
 Long (Walker),  
 Lowe (Lawrence),  
 Macdonald,  
 Miller (Marengo),  
 Moody,  
 NeSmith,  
 Norwood,  
 O'Neal (Lauderdale),  
 O'Rear,  
 Palmer,  
 Parker (Elmore),  
 Pearce,  
 Pettus,  
 Pillans,  
 Reese,  
 Rogers (Sumter),  
 Sanders,  
 Searcy,  
 Selheimer,  
 Sentell,  
 Tayloe,

Vaughan,  
Waddell,  
Weatherly,

Williams (Marengo),  
Wilson (Clarke)—55.

## NAYS.

Messrs. President,  
Altman,  
Ashcraft,  
Banks,  
Bartlett,  
Beddow,  
Bethune,  
Blackwell,  
Brooks,  
Browne,  
Byars,  
Carnathon,  
Case,  
Chapman,  
Cofer,  
Coleman (Greene),  
Coleman (Walker),  
Cunningham,  
Davis (DeKalb),  
Dent,  
Fletcher,  
Foshee,  
Foster,  
Freeman,  
Gilmore,  
Grant,  
Grayson,  
Handley,  
Harrison,  
Hood,  
Howze,  
Jackson,

Jones (Bibb),  
Kyle,  
McMillan (Baldwin),  
McMillan (Wilcox),  
Martin,  
Merrill,  
Miller (Wilcox),  
Murphree,  
Norman,  
Oates,  
Parker (Cullman),  
Phillips,  
Porter,  
Reynolds (Henry),  
Rogers (Lowndes),  
Sanford,  
Sloan,  
Smith, Mac. A.,  
Smith, Morgan M.,  
Sorrell,  
Spears,  
Spragins,  
Stewart,  
Thompson,  
Walker,  
Watts,  
Weakley,  
White,  
Whiteside,  
Williams (Barbour),  
Williams (Elmore),  
Winn—64.

## RECONSIDERATION.

Mr. Heflin of Chambers gave notice that on to-morrow he would move to reconsider the vote by which the first part of the amendment was lost.

Mr. Jones of Montgomery asked unanimous consent that he be allowed to withdraw the latter part of his amendment.

Objection was made.

Mr. Reese moved to suspend the rules in order to allow Mr. Jones of Montgomery to withdraw the latter part of the amendment.

The motion was lost.

The question recurred upon the adoption of the latter part of the amendment offered by Mr. Jones of Montgomery.

The motion was lost: Yeas, 12; nays, 107.

## YEAS.

Messrs. Bartlett,	Howze,
Boone,	Oates,
Byars,	Porter,
Cofer,	Reynolds (Henry),
Foshee,	Sloan,
Freeman,	Waddell—12.

## NAYS.

Messrs. President,	Carmichael (Colbert),
Altman,	Carmichael (Coffee),
Ashcraft,	Carnathon,
Banks,	Case,
Barefield,	Chapman,
Beavers,	Cobb,
Beddow,	Coleman (Greene),
Bethune,	Coleman (Walker),
Blackwell,	Cunningham,
Brooks,	Davis (DeKalb),
Browne,	Davis (Etowah),
Burns,	Dent,
Cardon,	deGraffenried,



Duke,	NeSmith,
Eley,	Norman,
Eyster,	Norwood,
Ferguson,	O'Neal (Lauderdale),
Fletcher,	O'Neill (Jefferson),
Foster,	Opp,
Gilmore,	O'Rear,
Glover,	Palmer,
Graham (Montgomery),	Parker (Cullman),
Graham (Talladega),	Parker (Elmore),
Grant,	Pearce,
Grayson,	Pettus,
Greer (Calhoun),	Pillans,
Greer (Perry),	Reese,
Haley,	Rogers (Lowndes),
Handley,	Rogers (Sumter),
Harrison,	Samford,
Heflin (Chambers),	Sanders,
Heflin (Randolph),	Sanford,
Henderson,	Searcy,
Hood,	Sentell,
Howell,	Smith, Mac. A.,
Inge,	Smith, Morgan M.,
Jackson,	Sorrell,
Jones (Bibb),	Spears,
Jones (Montgomery),	Spragins,
Jones (Wilcox),	Stewart,
Knight,	Tayloe,
Kyle,	Thompson,
Lomax,	Vaughan,
Long (Walker),	Walker,
Lowe (Lawrence),	Watts,
Macdonald,	Weakley,
McMillan (Baldwin),	White,
McMillan (Wilcox),	Whiteside,
Martin,	Williams (Barbour),
Merrill,	Williams (Marengo),
Miller (Marengo),	Williams (Elmore),
Miller (Wilcox),	Wilson (Clarke),
Moody,	Winn—107.
Murphree,	

On motion of Mr. White, Article V. was adopted.

## ARTICLE VI.

### JUDICIAL DEPARTMENT.

Was read at length as follows:

## ARTICLE VI.

### JUDICIAL DEPARTMENT.

139. The judicial powers of the State shall be vested in the Senate sitting as a court of impeachment, a Supreme Court, Circuit Courts, Chancery Courts, Courts of Probate, such courts of law and equity inferior to the Supreme Court, and to consist of not more than five members, as the Legislature from time to time may establish, and such persons as may be by law invested with powers of a judicial nature; but no court of general jurisdiction, at law or in equity, or both, shall hereafter be established in and for any one county having a population of less than 20,000, according to the next preceding Federal census, and property assessed for taxation at a less valuation than \$3,500,000.

140. Except in cases otherwise directed in this Constitution, the Supreme Court shall have appellate jurisdiction only, which shall be coextensive with the State, under such restrictions and regulations, not repugnant to this Constitution, as may from time to time be prescribed by law, except where jurisdiction over appeals is vested in some inferior court, and made final therein; provided, that the Supreme Court shall have power to issue writs of injunction, habeas corpus, quo warranto, and such other remedial and original writs as may be necessary to give it a general superintendence and control of inferior jurisdictions.

141. The Supreme Court shall be held at the seat of government, but if that shall become dangerous from any cause, it may convene at or adjourn to another place.

142. Except as otherwise authorized in this article, the State shall be divided into convenient circuits. For each circuit there shall be chosen a judge, who shall, for one year next preceding his election and during his continuance in office, reside in the circuit for which he is elected.

143. The Circuit Court shall have original jurisdiction in all matters civil and criminal within the State not otherwise excepted in this Constitution; but in civil cases, other than suits for libel, slander, assault and battery, and ejectment, it shall have no original jurisdiction except where the matter or sum in controversy exceeds fifty dollars.

144. A Circuit Court, or a court having the jurisdiction of the Circuit Court, shall be held in each county in the State at least twice in every year, and judges of the several courts mentioned in this section may hold court for each other when they deem it expedient, and shall do so when directed by law. The judges of the several courts mentioned in this section shall have power to issue writs of injunction, returnable to the Courts of Chancery, or courts having the jurisdiction of Courts of Chancery.

145. The Legislature shall have power to establish a Court or Courts of Chancery, with original and appellate jurisdiction, except as otherwise authorized in this article. The State shall be divided by the Legislature into convenient Chancery divisions; each division shall be divided into districts, and for each division there shall be a chancellor, who shall have resided in the division for which he shall be elected or appointed, for one year next preceding his election or appointment, and shall reside therein during his continuance in office.

146. A Chancery Court, or a court having the jurisdiction of the Chancery Court, shall be held in each district, at a place to be fixed by law, at least twice in each year, and the chancellors may hold court for each other when they deem it necessary, and shall do so when directed by law.

147. Any county having a population of 20,000 or more, according to the next preceding Federal census, and also taxable property of \$3,500,000 or more in value, according to the next preceding assessment of property for State and county taxation, need not be included in any circuit or chancery division; but if the value of its taxable property shall be reduced below that limit, or if its population shall be reduced below that number, the Legislature shall include such county in a circuit and chancery division or either, embracing more than one county. No Circuit or Chancery division shall contain less than three counties, unless there be embraced therein a county having a population of 20,000 or more, and taxable property of \$3,500,000 or more in value.

148. The Legislature may confer upon the Circuit or Chancery Court the jurisdiction of both of said courts. In counties having two or more courts of record, the Legislature may provide for the consolidation of all or any of such courts of record, except the Probate Court, with or without separate divisions, and a sufficient number of judges for the transaction of the business of such consolidated court.

149. The Legislature shall have power to establish in each county a court of Probate, with general jurisdiction of orphan's business and with power to grant letters testamentary and of administration; provided, that whenever any court having equity powers has taken jurisdiction of the settlement of any estate, it shall have power to do all things necessary for the settlement of such estate, including the appointment and removal of administrators, executors, guardians and trustees, and including action upon the resignation of either of them.

150. The Justices of the Supreme Court, Chancellors, and the Judges of the Circuit Courts, and other courts of record, except Probate Courts, shall, at stated times, receive for their services a compensation which shall not be diminished during their official terms; they shall receive no fees or perquisites, nor hold any office (except judicial offices) of profit or trust under this

State or the United States, or any other government, during the term for which they have been elected or appointed.

151. The Supreme Court shall consist of one Chief Justice and such number of Associate Justices as may be prescribed by law.

152. The Chief Justice and Associate Justices of the Supreme Court, Judges of the Circuit Courts, Judges of Probate Courts, and Chancellors shall be elected by the qualified electors of the State, circuits, counties and chancery divisions, for which such courts may be established, at such times as may be prescribed by law, except as herein otherwise provided.

153. The Judges of such inferior courts of law and equity as may be by law established, shall be elected or appointed in such mode as the Legislature may prescribe.

154. Chancellors and Judges of all courts of record, shall have been citizens of the United States and of this State for five years next preceding their election or appointment, and shall be not less than 25 years of age; and, except Judges of Probate Courts, shall be learned in the law.

155. Except as otherwise provided in this article, the Chief Justice and Associate Justices of the Supreme Court, Circuit Judges, Chancellors, and Judges of Probate, shall hold office for the term of six years, and until their successors are elected or appointed, and qualified; and the right of such Judges and Chancellors to hold their offices for the full term hereby prescribed shall not be affected by any change hereafter made by law in any circuit, division or county, in the mode or time of election.

156. The Chief Justice and Associate Justices of the Supreme Court shall be chosen at an election to be held at the time and places fixed by law for the election of members of the House of Representatives of the Congress of the United States, until the Legislature shall, by law, change the time of holding such election. The term of office of the Chief Justice, who shall be elected in the year 1904, shall be as provided in the last

preceding section. The successors of two of the Associate Justices elected in the year 1904 shall be elected in the year 1906, and the successors of the other two Associate Justices elected in 1904 shall be elected in the year 1908. The Associate Justices of said court elected in the year 1904 shall draw or cast lots among themselves to determine which of them shall hold office for the terms ending, respectively, in the years 1906 and 1908, and until their respective successors are elected or appointed and qualified. The result of such determination shall be certified to the Governor, by such Associate Justices, or a majority of them, prior to the first day of January, 1905, and such certificate shall be entered upon the minutes of the court. In the event of the failure of said Associate Justices to make and certify such determination, the Governor shall designate the terms for which they shall respectively hold office, as above provided, and shall issue his proclamation accordingly. In the event of an increase or reduction by law of the number of Associate Justices of the Supreme Court, the Legislature shall, as nearly as may be, provide for the election, each second year, of one-third of the members of said court.

157. All judicial officers within their respective jurisdictions shall, by virtue of their offices, be conservators of the peace.

158. Vacancies in the office of any of the Justices of the Supreme Court or Judges who hold office by election, or Chancellors of this State, shall be filled by appointment by the Governor; the appointee shall hold his office until the next general election for any State officer held at least six months after the vacancy occurs, and until his successor is elected and qualified; the successor chosen at such election shall hold office for the unexpired term and until his successor is elected and qualified.

159. Whenever any new circuit or chancery division is created the Judge or Chancellor therefor shall be elected at the next general election for any State officer for a term to expire at the next general election for Circuit Judges and Chancellors; provided that if

said new circuit or chancery division is created more than six months before such general election for any State officer, the Governor shall appoint some one as Judge or Chancellor, as the case may be, to hold the office until such election.

160. If in any case, civil or criminal, pending in any Circuit Court, Chancery Court, or in any court of general jurisdiction having any part of the jurisdiction of a Circuit or Chancery Court, or either of them, in this State, the presiding Judge or Chancellor shall, for any legal cause, be incompetent to try, hear or render judgment in such case, the parties, or their attorneys of record, if it be a civil case, or the solicitor or prosecuting officer, and the defendant or defendants, if it be a criminal case, may agree upon some disinterested person, practicing in the court and learned in the law, to act as special judge or chancellor to sit as a court, and to hear, decide and render judgment in the same manner and to the same effect as such incompetent Chancellor or Judge could have rendered but for such incompetency. If the case be a civil one, and the parties or their attorneys of record do not agree; or if it be a criminal one and the prosecuting officer and the defendant or defendants do not agree upon a special Judge or Chancellor, or if either party in a civil cause is not represented in court, the Register in Chancery or the clerk of such Circuit or other court, in which said cause is pending, shall appoint a special Judge or Chancellor, who shall preside, try and render judgment as in this section provided. The Legislature may prescribe other methods for supplying special Judges in such cases.

161. The Legislature shall have power to provide for the holding of Chancery and Circuit Courts, and for the holding of courts having the jurisdiction of Circuit and Chancery Courts, or either of them, when the Chancellors or Judges thereof fail to attend regular terms.

162. No Judge of any court of record in this State shall practice law in any of the courts of this State or of the United States.

163. Registers in Chancery shall be appointed by the Chancellors of the respective divisions, and shall have been at least twelve months before their appointment, and shall be at the time of their appointment and during their continuance in office, resident citizens of the district for which they are appointed. They shall hold office for the term for which the Chancellor making such appointment was elected or appointed. Such registers shall receive as compensation for their services only such fees and commissions as may be specifically prescribed by law, which fees shall be uniform throughout the State.

164. The clerk of the Supreme Court shall be appointed by the Judges thereof, and shall hold office for the term of six years, and the clerks of such inferior courts as may be established by law shall be selected in such manner as the Legislature may provide.

165. Clerks of the Circuit Court shall be elected by the qualified electors in each county for the term of six years, and may, when appointed by the Chancellor, also fill the office of Register in Chancery. Vacancies in such office of clerk shall be filled by the Judge of the Circuit Court for the unexpired term.

166. The clerk of the Supreme Court and registers in Chancery may be removed from office by the Justices of the Supreme Court, and by the Chancellors respectively, for cause, to be entered at length upon the minutes of the court.

167. A Solicitor for each Judicial Circuit or other territorial subdivision prescribed by the Legislature, shall be elected by the qualified electors of those counties in such circuit or other territorial subdivision in which such Solicitor prosecutes criminal cases, and such Solicitor shall be learned in the law, and shall at the time of his election and during his continuance in office, reside in a county (in the circuit) in which he prosecutes criminal cases, or other territorial subdivision for which he is elected, and his term of office shall be 4 years, and he shall receive no other compensation than a salary to be prescribed by law, which shall not be increased during the term for which he was elected; provided, that



this article shall not operate to abridge the term of any Solicitor now in office; and, provided further, that the Solicitors elected in the year 1904 shall hold office for six years, and until their successors are elected and qualified; and, provided further, that the Legislature may provide by law for the appointment by the Governor or the election by the qualified electors of a county of a Solicitor for any county.

168. In each precinct not lying within, or partly within, any city or incorporated town of more than 1,500 inhabitants, there shall be elected, by the qualified electors of such precinct not exceeding two Justices of the Peace and one Constable. Where one or more precincts lie within, or partly within, a city or incorporated town having more than 1,500 inhabitants, the Legislature may provide by law for the election of not more than two Justices of the Peace and one Constable, for each of such precincts, or an inferior court for such precinct or precincts, in lieu of all Justices of the Peace therein. Justices of the Peace, and the inferior courts in this section provided for, shall have jurisdiction in all civil cases where the amount in controversy does not exceed \$100, except in cases of libel, slander, assault and battery, and ejectment. The Legislature may provide by law what fees may be charged by Justices of the Peace and Constables, which fees shall be uniform throughout the State. The right of appeal from any judgment of a Justice of the Peace, or from any inferior court authorized by this section, without the prepayment of costs, and also the term of office of such Justices, and of the Judges of such inferior courts, and of Notaries Public, shall be provided for by law. The Governor may appoint Notaries Public without the powers of a Justice of the Peace, and may, except where otherwise provided by an act of the Legislature, appoint not more than one Notary Public with all of the powers and jurisdiction of a Justice of the Peace for each precinct in which the election of Justices of the Peace shall be authorized.

169. In all prosecutions for rape and assault with intent to ravish, the court may, in its discretion, exclude

from the court room all persons, except such as may be necessary in the conduct of the trial.

170. The style of all process shall be "The State of Alabama" and all prosecutions shall be carried on in the name and by the authority of the same, and shall conclude "Against the peace and dignity of the State."

171. The Legislature shall have the power to abolish any court (except the Supreme Court and the Probate Courts) whenever its jurisdiction and functions have been conferred upon some other court.

172. Nothing in this article shall be so construed as to abridge the term of office of any officer now in office.

Mr. Knox offered the following amendment to Article VI, Judicial Department:

Amend Section 167, on page 42, by inserting after the word "county" in the fifteenth line, the following: "or by the Legislature."

On motion of Mr. Walker the amendment was laid upon the table: Yeas, 60; nays, 46.

## YEAS.

Messrs. Altman,	Fletcher,
Ashcraft,	Foshee,
Banks,	Freeman,
Bartlett,	Graham (Talladega),
Beddow,	Henderson,
Bethune,	Hood,
Blackwell,	Howell,
Boone,	Jackson,
Byars,	Jones (Bibb),
Cardon,	Jones (Hale),
Case,	Jones (Wilcox),
Chapman,	Kyle,
Cofer,	Lowe (Lawrence),
Cunningham,	McMillan (Baldwin),
Davis (DeKalb),	McMillan (Wilcox),
Davis (Etowah),	Merrill,
Dent,	Miller (Marengo),
	Miller (Wilcox),

Murphree,  
Oates,  
Parker (Elmore),  
Pearce,  
Pettus,  
Phillips,  
Pillans,  
Porter,  
Reese,  
Reynolds (Henry),  
Rogers (Sumter),  
Samford,

Sanders,  
Selheimer,  
Sentell,  
Smith, Mac. A.,  
Spragins,  
Stewart,  
Walker,  
Watts,  
Weakley,  
White,  
Williams (Barbour),  
Winn—60.

## NAYS.

Messrs. President,  
Barefield,  
Browne,  
Burns,  
Carmichael (Colbert),  
Cobb,  
Coleman (Greene),  
Coleman (Walker),  
deGraffenried,  
Duke,  
Eley,  
Ferguson,  
Foster,  
Glover,  
Graham (Montgomery),  
Grant,  
Grayson,  
Greer (Calhoun),  
Greer (Perry),  
Haley,  
Handley,  
Harrison,  
Heflin (Chambers),

Heflin (Randolph),  
Howze,  
Inge,  
Jones (Montgomery),  
Knight,  
Lomax,  
Macdonald,  
Martin,  
O'Neal (Lauderdale),  
O'Neill (Jefferson),  
Opp,  
O'Rear,  
Parker (Cullman),  
Rogers (Lowndes),  
Sanford,  
Searcy,  
Sorrell,  
Spears,  
Thompson,  
Weatherly,  
Whiteside,  
Williams (Marengo),  
Wilson (Clarke)—46.

## RECONSIDERATION.

Mr. Reese gave notice that on to-morrow he would move to reconsider the vote by which the amendment of Mr. Knox was lost.

## ADJOURNMENT.

Pending the further consideration of the report of the Committee on Order, Consistency and Harmony of the Whole Constitution, the hour of 7 o'clock p. m. arrived, under the rules, the Convention adjourned until to-morrow morning at 9 o'clock.

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## SEVENTY-NINTH DAY.

## CONVENTION HALL.

Montgomery, Ala., Friday, August 30, 1901.  
The Convention met pursuant to adjournment.

Prayer was offered by Rev. Mr. Marshal of the city.

## ROLL CALL.

On a call of the roll of the Convention the following delegates answered to their names, which constituted a quorum :

Messrs. President,  
Almon,  
Altman,  
Ashcraft,  
Banks,  
Barefield,  
Bartlett,  
Beddow,  
Blackwell,  
Boone,  
Brooks,  
Browne,

Burnett,  
Burns,  
Byars,  
Carmichael (Colbert),  
Carnathon,  
Case,  
Chapman,  
Cobb,  
Coleman (Greene),  
Coleman (Walker),  
Craig,  
Cunningham,

Davis (DeKalb),	Malone,
Davis (Etowah),	Martin,
Dent,	Merrill,
deGraffenried,	Miller (Marengo),
Duke,	Miller (Wilcox),
Eyster,	Moody,
Ferguson,	Murphree,
Fitts,	Norman,
Fletcher,	Oates,
Foshee,	O'Neal (Lauderdale),
Foster,	O'Neill (Jefferson),
Gilmore,	Opp,
Glover,	Palmer,
Graham (Montgomery),	Parker (Cullman),
Graham (Talladega),	Parker (Elmore),
Grayson,	Pearce,
Greer (Calhoun),	Pettus,
Haley,	Phillips,
Handley,	Pillans,
Harrison,	Porter,
Heflin (Chambers),	Proctor,
Heflin (Randolph),	Reese,
Henderson,	Rogers (Sumter),
Hodges,	Samford,
Hood,	Sanders,
Howell,	Sanford,
Howze,	Searcy,
Inge,	Selheimer,
Jackson,	Sentell,
Jones, (Bibb),	Smith (Mobile),
Jones (Hale),	Smith, Mac. A.,
Jones (Wilcox),	Smith, Morgan M.,
Knight,	Sorrell,
Kyle,	Spears,
Lomax,	Spragins,
Long (Butler),	Stewart,
Long (Walker),	Tayloe,
Lowe (Jefferson),	Vaughan,
Macdonald,	Waddell,
McMillan (Baldwin),	Walker,
McMillan (Wilcox),	Watts,

Weakley,	Williams (Marengo),
Weatherly,	Williams (Elmore),
White,	Wilson (Clarke)
Whiteside,	Wilson (Washington)—115
Williams (Barbour),	

## REPORT OF COMMITTEE ON THE JOURNAL.

The chairman of the Committee on the Journal submitted the following report, which was concurred in:

The Committee on the Journal beg leave to report that they have examined the Journal for the seventy-seventh and seventy-eighth days of the Convention, and that the same are correct.

Respectfully submitted,

JOHN F. PROCTOR, *Chairman.*

## LEAVE OF ABSENCE.

Was granted to Messrs. Bulger and Thompson for to-day; Tayloe, Williams of Elmore, Brown, Vaughan, Fitts, Burnett, Parker of Elmore for to-day.

## RESOLUTIONS ON FIRST READING.

The following resolution was introduced, read one time at length, and referred to an appropriate committee as follows:

Resolution 325, by Mr. Sanders:

Resolved, That all officers elected by the people in the respective counties of this State, whose term of office is for four years, and expires in the year 1904, are hereby continued in office until their successors shall have been elected at the general election in 1906.

The resolution was referred to the Committee on Order, Consistency and Harmony of the Whole Constitution.

Resolution 326, by Mr. Lomax:

Resolved, That the pages of this Convention be allowed and paid mileage at the same rate as was paid members of the Convention, to so reimburse them for their expenses in going to and from their homes during the recent recess of this Convention.

The resolution was referred to the Committee on Rules.

Resolution 327, by Mr. Pettus:

Be it resolved, That this Convention stand adjourned sine die at 12 o'clock midnight, Tuesday, September 3, 1901, A. D.

The resolution was referred to the Committee on Rules.

Resolution 328, by Mr. Eyster:

Whereas, The members of the Committee on Harmony completed their labors before the reassembling of this Convention, and returned to their respective homes, and

Whereas, It would be unjust and inequitable for them not to receive their mileage as other members;

Therefore, be it resolved, That the members of the Committee on Order, Consistency and Harmony be allowed their mileage the same as the other members of this Convention.

The resolution was referred to the Committee on Rules.

Resolution 329, by Mr. Fitts:

Resolved, That when this Convention adjourn on Saturday, August 31st, that it be to reassemble at noon on Tuesday, September 3, at which time the final draft of the Constitution shall be signed by the delegates.

The resolution was referred to the Committee on Rules.

Resolution 330, by Mr. Reese:

Resolved, First, that all leaves of absence of members of this Convention be and the same are hereby revoked, to take effect on Monday, the 2d day of September, 1901, at 12 o'clock meridian, and that no further leave of absence be granted beyond said time.

Second, That the Secretary of this Convention is instructed to notify absent members to return at said time.

The resolution was referred to the Committee on Rules.

## ORDINANCES ON FIRST READING.

The following ordinances were introduced, severally read one time at length, and referred to appropriate committees as follows:

Ordinance 460, by Mr. White:

An ordinance to empower and authorize the Legislature to amend or repeal all ordinances adopted by the Convention not contained in the proposed Constitution.

Be it ordained by the people of Alabama, in Convention assembled, that the Legislature be and the same is authorized and empowered to revise, alter, amend or repeal all ordinances or parts of ordinances adopted by this Convention not incorporated in the proposed Constitution of the State by act passed and approved by the Governor, as in other cases; provided, that the Legislature shall have no power or authority to repeal an ordinance relating to the bonded indebtedness of the State, adopted by the Convention on the 10th day of August, 1901; provided, further, that the Legislature shall have no power to repeal or amend ordinances establishing court houses, except in accordance with Section 41 of Article II of this Constitution.

The ordinance was referred to the Committee on Judiciary.

Ordinance 461, by Mr. Ashcraft:

An ordinance to provide for the qualification and registration of electors, who shall participate in the municipal election to be held in the city of Florence on the first Tuesday in December, 1901.

Be it ordained by the people of Alabama in Convention assembled, That no person shall be entitled to vote in the election for municipal officers to be held in the city of Florence on the first Tuesday in December, 1901, who does not possess the qualifications required of electors by Section 180 of the Constitution framed by this Convention, and the Mayor and Aldermen of said city are authorized and directed to appoint three registrars in said city who shall register, for the purpose of said election, the electors in said city in the manner as nearly as may be provided for registration by Section



186 of said Constitution; said registration shall begin on the 18th day of November 1901, and shall continue for two weeks.

The ordinance was referred to the Committee on Suffrage and Elections.

Ordinance 462, by Mr. Oates:

Whereas, a respectable number of the delegates to this Convention are opposed, on principle, to subdivision 2 of Section 180 of Article VIII of this Constitution, which subdivision is known as the "Grandfather" clause;

Therefore be it resolved by the people of Alabama in Convention assembled, that at the same times and places at which an election is held for the ratification or rejection of the Constitution framed by this Convention, a separate poll be taken of the qualified electors voting at said election upon said "Grandfather" clause as follows, to-wit: On each ticket to be used in said election there shall be written or printed these words, to-wit:

For subdivision 2 of Section 180, Article VIII.

Against subdivision 2 of Section 180, of Article VIII, and in the margin the voter shall make or cause to be made opposite to these words an "X" as he may favor or oppose the ratification or rejection of the said subdivision and the election in all respects shall be conducted and returns made by the election officers, the same as the election for the ratification or rejection of the Whole Constitution, and if a majority of those voting at said election vote for the ratification of the said subdivision 2 of Section 180 of Article VIII, it shall be a part of the Constitution, and so declared by the Governor in his proclamation declaring the result of said election, as provided in section of the enabling act; but if a majority of those voting at said election vote against the ratification of said subdivision 2 of Section 180 of Article VIII, then the said subdivision shall not be a part of said Constitution, and the same shall be so announced and declared by the Governor in his aforesaid proclamation.

The ordinance was referred to the Committee on Rules.

## RECONSIDERATION.

Mr. Cobb moved to reconsider the vote by which the Article on Declaration of Rights was adopted on yesterday.

On motion of Mr. Boone the motion of Mr. Cobb was laid upon the table.

Mr. Wilson of Clarke offered the following amendment to Article VI:

Amend Section 150 by inserting in line 14 after the words "official terms" the following: "And the Circuit Judges and Chancellors shall be paid mileage not exceeding the amount actually paid by them for railroad fare in traveling to and from the terms of their courts."

On motion of Mr. White the amendment offered by Mr. Wilson of Clarke was laid upon the table.

Mr. Miller of Wilcox offered the following amendment to Article VI:

On page 43 in line 2, after the words "fees," insert "and their jurisdiction" in Section 168 of the Judiciary Article.

On motion of Mr. Pillans the amendment offered by Mr. Miller of Wilcox was laid upon the table.

Mr. Oates offered the following amendment to Article VI:

Amend Section 155 by adding thereto the following proviso: "Provided that the abolition of any court by the Legislature shall not entitle the Judge of said court thereafter to draw his salary."

On motion of Mr. Smith of Mobile the amendment offered by Mr. Oates was laid upon the table.

Mr. Oates offered the following amendment to Article VI:

Amend Section 162 by adding thereto the following words: "Nor engage in active partisan politics."

On motion of Mr. Walker the amendment offered by Mr. Oates was laid upon the table.

Mr. Oates offered the following amendment to Article VI:

Amend Section 165 by striking out of lines 23 and 24 the following words: "And may when appointed by the Chancellor also fill the office of Register in Chancery."

On motion of Mr. Cobb the amendment offered by Mr. Oates was laid upon the table.

Mr. O'Neal of Lauderdale offered the following amendment to Article VI:

Amend Section 168, page 43, by adding the following: "The Legislature may increase the jurisdiction of the inferior courts provided for in this section in all civil cases to an amount not exceeding \$500."

On motion of Mr. Watts the amendment was laid upon the table.

On motion of Mr. White Article VI was adopted.

## ARTICLE VII.

### IMPEACHMENTS.

Was read at length as follows:

## ARTICLE VII.

### IMPEACHMENTS.

173. The Governor, Lieutenant Governor, Attorney General, State Auditor Secretary of State, State Treasurer, Superintendent of Education, Commissioner of Agriculture and Industries and Justices of the Supreme Court may be removed from office for wilful neglect of duty, corruption in office, incompetency, or intemperance in the use of intoxicating liquors or narcotics to such an extent, in view of the dignity of the office and importance of its duties, as unfits the officer for the discharge of such duties, or for any offense involving the moral turpitude while in office, or committed under color thereof, or connected therewith, by the Senate sitting as a court of impeachment, under oath or affirmation, on articles or charges preferred by the House of Representatives.

174. The Chancellors, Judges of the Circuit Court, Judges of the Probate Courts, Sheriffs, Solicitors, and Judges of other Courts from which an appeal may be taken directly to the Supreme Court, may be removed from office for any of the causes specified in the preceding section or elsewhere in this Constitution, by the Supreme Court, under such regulations as may be prescribed by law. The Legislature may provide for the impeachment or removal of other officers than those named in this article.

175. The Clerks of the Circuit Courts or courts of like jurisdiction, of Criminal Courts, Tax Collectors, Tax Assessors, County Treasurers, County Superintendents of Education, Coroners, Justices of the Peace, Judges of inferior courts created under authority of Section 168 of this Constitution, Notaries Public, Constables, and all other county officers, Mayors, intendants and all other officers of incorporated cities and towns in this State, may be removed from office for any of the causes specified in Section 173 of this Constitution, by the Circuit or other courts of like jurisdiction, or a Criminal Court of the county in which such officers hold their office, under such regulations as may be prescribed by law; provided, that the right of trial by jury and appeal in such cases shall be secured.

176. The penalties in cases arising under the three preceding sections shall not extend beyond removal from office, and disqualifications from holding office, under the authority of this State, for the term of which the officer was elected or appointed; but the accused shall be liable to indictment and punishment as prescribed by law.

Mr. Jones of Montgomery offered the following amendment to Article VII:

Amend Section 173 by adding at the end thereof the following words, to-wit:

If, at any time, when the Legislature is not in session, a majority of all the members elected to the House of Representatives shall certify in writing to the Secretary of State their desire to meet to consider the im-

peachment of the Governor, Lieutenant Governor or other officer administering the office of Governor, it shall be the duty of the Secretary of State to immediately notify the Speaker of the House, who shall, within ten days after receipt of such notice, notify the members of the House, by publication in some newspaper published at the Capital, to assemble at the Capitol on a day to be fixed by the Speaker, not later than 15 days after the receipt of the notice from the Secretary of State, to consider the impeachment of the Governor, Lieutenant Governor or other officer administering the office of Governor. If the House of Representatives prefer articles of impeachment, the Speaker of the House shall immediately notify the Lieutenant Governor, unless he be impeached, and in that event the officer next in succession to him, who shall, in like manner notify the members of the Senate to assemble at the Capitol on a day to be fixed in said notice, not later than ten days after receipt of the notice from the Speaker, for the purpose of organizing the Senate as a Court of Impeachment; and the Senate when thus organized shall hear and try such articles of impeachment against the Governor, Lieutenant Governor or other officer exercising the powers of the office as may be presented by the House of Representatives.

Mr. Hood moved to table the amendment offered by Mr. Jones of Montgomery.

The motion was lost : Yeas, 3 ; nays, 119.

#### YEAS.

Messrs. Altman,  
Carnathon,

Merrill—3.

#### NAYS.

Messrs. President,  
Ashcraft,  
Banks,  
Barefield,  
Bartlett,

Beddow,  
Bethune,  
Blackwell,  
Boone,  
Brooks,

Burnett,  
Burns,  
Byars,  
Cardon,  
Case,  
Chapman,  
Cobb,  
Cofer,  
Coleman (Greene),  
Coleman (Walker),  
Craig,  
Cunningham,  
Davis (DeKalb),  
Davis (Etowah),  
Dent,  
deGraffenried,  
Duke,  
Eley,  
Eyster,  
Ferguson,  
Fitts,  
Fletcher,  
Foshee,  
Foster,  
Freeman,  
Glover,  
Graham (Montgomery),  
Graham (Talladega),  
Grant,  
Grayson,  
Greer (Perry),  
Haley,  
Handley,  
Harrison,  
Heflin (Chambers),  
Heflin (Randolph),  
Henderson,  
Hodges,  
Hood,  
Howze,  
Inge,

Jackson,  
Jones, (Bibb),  
Jones (Hale),  
Jones (Montgomery),  
Jones (Wilcox),  
Knight,  
Kyle,  
Ledbetter,  
Lomax,  
Long (Walker),  
Lowe (Lawrence),  
Macdonald,  
McMillan (Baldwin),  
McMillan (Wilcox),  
Malone,  
Martin,  
Miller (Marengo),  
Moody,  
Mulkey,  
Murphree,  
NeSmith,  
Norman,  
Norwood,  
Oates,  
O'Neal (Lauderdale),  
O'Neill (Jefferson),  
Opp,  
O'Rear,  
Palmer,  
Parker (Cullman),  
Parker (Elmore),  
Pearce,  
Pettus,  
Phillips,  
Pillans,  
Porter,  
Proctor,  
Reese,  
Reynolds (Chilton),  
Rogers (Lowndes),  
Rogers (Sumter),

Sanders,  
Sanford,  
Searcy,  
Sentell,  
Sloan,  
Smith (Mobile),  
Smith, Mac. A.,  
Smith, Morgan M.  
Sorrell,  
Spears,  
Spragins,  
Stewart,  
Tayloe,

Vaughan,  
Waddell,  
Walker,  
Watts,  
Weakley,  
Weatherly,  
White,  
Whiteside,  
Williams (Barbour),  
Williams (Marengo),  
Williams (Elmore),  
Wilson (Clarke),  
Winn—119.

The question recurred upon the adoption of the amendment.

The amendment was adopted.

Mr. Jones of Montgomery offered the following amendment to Article VII:

Amend Section 173 by adding at the end thereof the following words: "When the Governor or Lieutenant Governor is impeached the Chief Justice, or in his absence or disability, some one of the Justices of the Supreme Court to be selected by it, shall preside over the Senate when sitting as a Court of Impeachment."

The amendment was adopted.

On motion of Mr. White Article VII was, as amended, adopted.

Mr. deGraffenried moved that the rules be suspended in order that Article VII might be referred to the Committee on Order, Consistency and Harmony of the Whole Constitution.

The motion prevailed, and the Article VII was referred to the Committee on Order, Consistency and Harmony of the Whole Constitution.

## ARTICLE VIII.

## SUFFRAGE AND ELECTIONS.

Was read at length as follows:

## ARTICLE VIII.

## SUFFRAGE AND ELECTIONS.

177. Every male citizen of this State who is a citizen of the United States, and every male resident of foreign birth, who, before the ratification of this Constitution, shall have legally declared his intentions to become a citizen of the United States, 21 years old or upwards, not laboring under any of the disabilities named in this article, and possessing the qualifications required by it, shall be an elector, and shall be entitled to vote at any election by the people; provided, that all foreigners who have legally declared their intention to become citizens of the United States shall, if they fail to become citizens thereof at the time they are entitled to become such, cease to have the right to vote until they become such citizens.

178. To entitle a person to vote at any election by the people, he shall have resided in the State at least two years, in the county one year, and in the precinct or ward three months, immediately preceding the election at which he offers to vote, and he shall have been duly registered as an elector, and shall have paid on or before the first day of February next preceding the date of the election at which he offers to vote, all poll taxes due from him for the year 1901, and for each subsequent year; provided, that any elector who, within three months next preceding the date of the election at which he offers to vote, has removed from one precinct or ward to another precinct or ward in the same county, incorporated town or city, shall have the right to vote in the precinct or ward from which he has so removed, if he would have been entitled to vote in such precinct or ward but for such removal.



179. All elections by the people shall be by ballot, and all elections by persons in a representative capacity shall be *viva voce*.

180. The following male citizens of this State, who are citizens of the United States, and every male resident of foreign birth, who, before the ratification of this Constitution, shall have legally declared his intentions to become a citizen of the United States, except those who shall not have had an opportunity to perfect his citizenship prior to the twentieth day of December, 1902, 21 years old or upwards, who, if their place of residence shall remain unchanged, will have, at the date of the next general election the qualifications as to residence prescribed in Section 178 of this Constitution, and who are not disqualified under Section 182 of this Constitution, shall, upon application, be entitled to register as electors prior to the twentieth day of December, 1902, namely:

First—All who have honorably served in the land or naval forces of the United States in the war of 1812, or in the war with Mexico, or in any war with the Indians, or in the war between the States, or in the war with Spain, or who honorably served in the land or naval forces of the Confederate States, or of the State of Alabama in the war between the States; or

Second—The lawful descendants of persons who honorably served in the land or naval forces of the United States in the war of the American Revolution, or in the war of 1812, or in the war with Mexico, or in any war with the Indians, or in the War between the States, or in the land or naval forces of the Confederate States, or of the State of Alabama in the war between the States; or

• Third—All persons who are of good character and who understand the duties and obligations of citizenship under a republican form of government.

181. After the first day of January, 1903, the following persons, and no others, who, if their place of residence shall remain unchanged, will have, at the date of the next general election, the qualifications as to residence prescribed in Section 178 of this article,

shall be qualified to register as electors; provided, they shall not be disqualified under Section 182 of this article:

First—Those who can read and write any article of the Constitution of the United States in the English language, and who, being physically able to work, have worked or been regularly engaged in some lawful employment, business register; provided, that inability to read and write shall not disqualify any elector, if such disability is due to physical infirmity; or,

Second—The owner in good faith in his own right or the husband of a woman who is the owner in good faith in her own right, of forty acres of land situated in this State, upon which they reside; or the owner in good faith in his own right, or the husband of any woman who is the owner in good faith in her own right, of real estate situate in this State assessed for taxation at the value of \$300 or more, or the owner in good faith, in his own right, or the husband of a woman who is the owner in good faith, in her own right, of personal property in this State assessed for taxation at \$330 or more; provided, that the taxes due upon such real or personal property for the year next preceding the year in which he offers to register, shall have been paid, unless the assessment shall have been legally contested and is undetermined.

182. The following persons shall be disqualified, both from registering and from voting, namely:

All idiots and insane persons; those who shall, by reason of conviction of crime, be disqualified from voting at the time of the ratification of this Constitution; those who shall be convicted of treason, murder, arson, embezzlement, malfeasance in office, larceny, receiving stolen property, obtaining property or money under false pretenses, perjury, subornation of perjury, robbery, assault with intent to rob, burglary, forgery, bribery, assault and battery on the wife, bigamy, living in adultery, sodomy, incest, rape, miscegenation, crime against nature, or any crime punishable by imprisonment in the penitentiary, or of any infamous crime or

crime involving moral turpitude; also, any person who shall be convicted as a vagrant or tramp, or of selling or offering to sell his vote or the vote of another, or buying or offering to buy the vote of another, or of making or offering to make a false return in any election by the people or in any primary election to procure the nomination or election of any person to any office, or of suborning any witness or registrar to secure the registration of any person as an elector.

183. No person shall be qualified to vote or participate in any primary election, party convention, mass meeting, or other method of party action of any political party or faction, who shall not possess the qualifications prescribed in this article for an elector, or who shall be disqualified from voting under the provisions of this article.

184. No person, not registered and qualified as an elector under the provisions of this article shall vote at the general election in 1902, or at any subsequent State, county or municipal election, general, local or special; but the provisions of this article shall not apply to any election held prior to the general election in the year 1902.

185. Any elector whose right to vote shall be challenged for any legal cause before an election officer shall be required to swear or affirm that the matter of the challenge is untrue before his vote shall be received, and any one who wilfully swears or affirms falsely there-to shall be guilty of perjury, and upon conviction thereof shall be imprisoned in the penitentiary for not less than one nor more than five years.

186. The Legislature shall provide by law for the registration, after the first day of January, 1903, of all qualified electors. Until the first day of January, 1903, all electors shall be registered under and in accordance with the requirements of this Section as follows:

First—Registration shall be conducted in each county by a board of three reputable and suitable persons resident in the county, who shall not hold any elective office during their term, to be appointed within sixty

days after the ratification of this Constitution by the Governor, Auditor and Commissioner of Agriculture and Industries, or a majority of them, acting as a Board of Appointment. If one or more of the persons appointed on such Board of Registration shall refuse, neglect or be unable to qualify or serve, or if a vacancy or vacancies occur in the membership of the Board of Registrars from any cause, the Governor, Auditor and Commissioner of Agriculture and Industries or a majority of them acting as a Board of Appointment, shall make other appointments to fill such Board. Each registrar shall receive \$2 per day, to be paid by the State, and disbursed by the several Judges of Probate, for each entire day's attendance upon the sessions of the Board.

Before entering upon the performance of the duties of his office, each registrar shall take the same oath required of the judicial officers of the State, which oath may be administered by any person authorized by law to administer oaths. The oath shall be in writing and subscribed by the registrar and filed in the office of the Judge of Probate of the county.

Second—Prior to the first day of August, 1902, the Board of Registrars in each county shall visit each precinct at least once and oftener if necessary to make a complete registration of all persons entitled to register, and shall remain there at least one day from 8 o'clock in the morning until sunset. They shall give at least twenty days' notice of the time when, and the place in the precinct where they will attend to register applicants for registration, by bills posted at five or more public places in each election precinct, and by advertisement once a week for three successive weeks in a newspaper, if there be one published in the county. Upon failure to give such notice, or to attend any appointment made by them in any precinct, they shall, after like notice, fill new appointments therein; but the time consumed by the board in completing such registration shall not exceed sixty working days in any county, except that in counties of more than 900 square miles in area such board may consume seventy-five working days in completing the registration and except that in counties in

which there is any city of 8,000 or more inhabitants, the board may remain in session, in addition to the time hereinbefore prescribed, for not more than three successive weeks in each of such cities; and thereafter the board may sit from time to time in each of such cities not more than one week in each month, and except that in the county of Jefferson the board may hold an additional session of not exceeding five consecutive days duration for each session, in each town or city of more than 1,000 and less than 8,000 inhabitants. No person shall be registered except at the county site or in the precinct in which he resides. The registrars shall issue to each person registered a certificate of registration.

Third—The board of registrars shall not register any person between the 1st day of August, 1902, and the Friday next preceding the day of election in November, 1902. On Friday and Saturday next preceding the day of election in November, 1902, they shall sit in the court house of each county during such days, and shall register all applicants having the qualifications prescribed by Sec. 180 of this Constitution, and not disqualified under Sec. 182 who shall have reached the age of twenty-one years after the first day of August, 1902, or who shall prove to the reasonable satisfaction of the board that, by reason of physical disability or unavoidable absence from the county, they had no opportunity to register prior to the first day of August, 1902, and they shall not on such days register any other persons. When there are two or more court houses in a county, the registrars may sit during such two days at the court house they may select, but shall give ten days' notice, by bills posted at each of the court houses, designating the court house at which they will sit.

Fourth—The Board of Registrars shall hold sessions at the court house of their respective counties during the entire third week in November, 1902, and for six working days next prior to the twentieth day of December, 1902, during which sessions they shall register all persons applying who possess the qualifications prescribed in Section 180, and who shall not be disqualified under Section 182 of this article. In counties

where there are two or more court houses, the Board of Registrars shall divide the time equally between them. The Board of Registrars shall give notice of the time and place of such sessions by posting notices at each court house in their respective counties, and at each voting place and at three other public places in the county, and by publication once a week for two consecutive weeks in a newspaper, if one be published in the county; such notices to be posted and such publications to be commenced as early as practicable in the first week of November, 1902. Failure on the part of the registrars to conform to the provisions of this article as to the giving of the required notices to be given shall not invalidate any registration made by them.

Fifth—The Board of Registrars shall have power to examine under oath or affirmation all applicants for registration, and to take testimony touching the qualifications of such applicants; each member of such board is authorized to administer the oath to be taken by the applicants and witnesses, which shall be in the following form, and subscribed by the person making it, and preserved by the board, namely:

“I solemnly swear (or affirm) that in the matter of the application of ..... for registration as an elector, I will speak the truth, the whole truth, and nothing but the truth, so help me God.”

Any person who upon such examination makes any wilfully false statement in reference to any material matter touching the qualification of any applicant for registration shall be guilty of perjury, and upon conviction thereof shall be imprisoned in the penitentiary for not less than one year nor more than five years.

Sixth—The action of the majority of the Board of Registrars shall be the action of the board, and a majority of the board shall constitute a quorum for the transaction of all business. Any person to whom registration is denied shall have the right of appeal, without giving security for costs, within thirty days after such denial, by filing a petition in the Circuit Court or Court of like jurisdiction held for the county

in which he seeks to register, to have his qualifications as an elector determined. Upon the filing of the petition the clerk of the court shall give notice thereof to any Solicitor authorized to represent the State in said county, whose duty it shall be to appear and defend against the petition on behalf of the State. Upon such trial, the court shall charge the jury only as to what constituted the qualifications that entitled the applicant to become an elector at the time he applied for registration, and the jury shall determine the weight and effect of the evidence and return a verdict. From the judgment rendered an appeal will lie to the Supreme Court in favor of the petitioner, to be taken within thirty days. Final judgment in favor of the petitioner shall entitle him to registration as of the date of his application to the registrars.

Seventh—The Secretary of State shall, at the expense of the State, have prepared and shall furnish to the registrars and Judges of Probate of the several counties a sufficient number of registration books and of blank forms of oaths, certificates of registration and notices required to be given by the registrars. The cost of the publication in newspapers of the notices required to be given by the registrars shall be paid by the State, the bills therefor to be rendered to the Secretary of State and approved by him.

Eighth—Any person who registers for another, or who registers more than once, and any registrar who enters the name of any person on the list of registered voters, without such person having made application in person under oath on a form provided for that purpose, or who knowingly registers any person more than once, or who knowingly enters a name upon the registration list as the name of a voter, without any one of that name applying to register, shall be guilty of a felony, and upon conviction thereof shall be imprisoned in the penitentiary for not less than one nor more than five years.

187. The Board of Registrars in each county shall, on or before the 1st day of February, 1903, or as soon thereafter as is practicable, file in the office of the Judge of

Probate of their county, a complete list sworn to by them of all persons registered in their county, showing the age of such persons so registered, with the precinct or ward in which each of such persons reside set opposite the name of such persons and shall also file a like list in the office of the Secretary of State. The Judge of Probate shall, on or before the first day of March, 1903, or as soon thereafter as is practicable, cause to be made from such list in duplicate in the books furnished by the Secretary of State, an alphabetical list by precincts of the persons shown by the list of the registrars to have been registered in the county, and shall file one of such alphabetical lists in the office of Secretary of State; for which services by the Judge of Probate compensation shall be provided by the Legislature. The Judges of Probate shall keep both the original list filed by the registrars and the alphabetical list made therefrom as records in the office of the Judge of Probate of the county. Unless he shall become disqualified under the provisions of this article, any one who shall register prior to the first day of January, 1903, shall remain an elector during life, and shall not be required to register again unless he changes his residence, in which event he may register again on production of his certificate. The certificate of the registrars or of the Judge of Probate or of the Secretary of State shall be sufficient evidence to establish the fact of such life registration. Such certificate shall be issued free of charge to the elector, and the Legislature shall provide by law for the renewal of such certificate when lost, mutilated or destroyed.

188. From and after the first day of January, 1903, any applicant for registration may be required to state under oath, to be administered by a registrar or by any person authorized by law to administer oaths, where he lived during the five years next preceding the time at which he applies to register, and the name or names by which he was known during that period, and the names of his employer or employers, if any, during such period. Any applicant for registration who refuses to state such facts, or any of them, shall not be entitled to register, and any person so offering to regis-



ter who wilfully makes a false statement in regard to such matters or any of them, shall be guilty of perjury, and upon conviction thereof shall be imprisoned in the penitentiary for not less than one nor more than five years.

189. In the trial of any contested election, and in proceedings to investigate any election, no person other than a defendant shall be allowed to withhold his testimony on the ground that he may criminate himself or subject himself to public infamy; but such person shall not be prosecuted for any offense arising out of the transaction concerning which he testified, but may be prosecuted for perjury committed on such examination.

190. The Legislature shall pass laws not inconsistent with this Constitution to regulate and govern elections, and all such laws shall be uniform throughout the State; and shall provide by law for the manner of holding elections and of ascertaining the result of the same, and shall provide general registration laws not inconsistent with the provisions of this article, for the registration of all qualified electors from and after the first day of January, 1903. The Legislature shall make provision by law, not inconsistent with this article, for the regulation of primary elections, and for punishing frauds at the same, but shall not make primary elections compulsory. The Legislature shall by law provide for purging the registration list of the names of those who die, become insane or convicted of crime or otherwise disqualified as electors under the provisions of this Constitution, and of any names which may have been fraudulently entered on such list by the Registrars; provided, that a trial by jury may be had on the demand of any person whose name is proposed to be stricken from the list.

191. It shall be the duty of the Legislature to pass adequate laws giving protection against the evils arising from the use of intoxicating liquors at all elections.

192. Electors shall in all cases, except treason, felony or breach of the peace, be privileged from arrest

during their attendance at elections, or while going to or returning therefrom.

193. Returns of elections for members of the Legislature and for all civil officers who are to be commissioned by the Governor, except the Attorney General, State Auditor, Secretary of State, State Treasurer, Superintendent of Education, and Commissioner of Agriculture and Industries, shall be made to the Secretary of State.

194. The poll tax mentioned in this article shall be \$1.50 upon each male inhabitant of the State, over the age of twenty-one years, and under the age of forty-five years, who would not now be exempt by law; but the Legislature is authorized to increase the maximum age fixed in this section to not more than sixty years. Such poll tax shall become due and payable on the first day of October in each year, and become delinquent on the first day of the next succeeding February, but no legal process, nor any fee or commission shall be allowed for the collection thereof. The Tax Collector shall make returns of poll tax collections separate from other collections.

195. Any person who shall pay the poll tax of another, or advance him money for that purpose in order to influence his vote, shall be guilty of bribery, and upon conviction thereof shall be imprisoned in the penitentiary for not less than one nor more than five years.

196. If any section or subdivision of this article shall, for any reason be or be held by any court of competent jurisdiction, and of final resort, to be invalid, inoperative or void, the residue of this article shall not be thereby invalidated or affected.

Mr. Freeman offered the following amendment to Article VIII:

An amendment to the Article on Suffrage and Elections: By adding thereto the following:

That at the election provided herein for the ratification or rejection of this Constitution, that none but legal white voters shall be eligible to vote; that in all other respects the existing election laws of this State shall govern in conducting said election; that all laws and Constitutional provisions, and parts of the same,

in conflict herewith, be and the same are hereby repealed and held to be null and void.

On motion of Mr. deGraffenried the amendment was laid upon the table.

Mr. Burns offered the following amendment to Article VIII:

Amend Article VIII, Section 182, line 15, by inserting between the words "persons" and "those" all illegitimates whose disabilities, as such have not been removed by the Governor or some Chancellor.

On motion of Mr. Case the amendment was laid upon the table.

Mr. Coleman of Greene offered the following amendment to Article VIII:

Amend Section 180, page 46, by striking out the word "having" in line 23, and inserting in lieu thereof the words "shall not have," and by striking out the words "has not failed so to do," in line 2; on page 47.

The amendment was adopted by unanimous consent.

Mr. Coleman of Greene offered the following amendment to Article VIII:

Amend first subdivision of Section 181, page 47, by striking out the words "being physically able to work" and inserting in lieu the words "and are physically unable to work, and those who can read and write any article of the Constitution of the United States and," and by striking out all of said subdivision at the top of page 48 beginning with the words "provided" and ending with the word "infirmity."

On motion of Mr. deGraffenried Section 181 and amendment were recommitted to the Committee on Suffrage and Elections and that they be requested to report a substitute for Section 181 at this afternoon's session.

The motion prevailed.

Mr. Reynolds of Chilton offered the following amendment to Article VIII which was recommitted to the Committee on Suffrage and Elections:

Amend subdivision, 2 Section 181, by adding at the end thereof the following, viz: "Provided, that the owner in good faith, in his own right, or the husband

of a woman who is the owner in her own right, of \$300 in value of real and personal property upon which the taxes have been paid, may also register and vote if he is otherwise qualified under this Constitution.

#### RECESS.

Pending the further consideration of the report of the Committee on Order, Consistency and Harmony of the Whole Constitution, the hour of 1 o'clock arrived, under the rules the Convention recessed until 3:30 this afternoon.

#### AFTERNOON SESSION.

The Convention met pursuant to adjournment.

#### ROLL CALL.

On a call of the roll of the Convention the following delegates answered to their names, which constituted a quorum:

Messrs. President,	Case,
Altman,	Chapman,
Ashcraft,	Cobb,
Banks,	Cofer,
Barefield,	Coleman (Greene),
Bartlett,	Coleman (Walker),
Beavers,	Craig,
Beddow,	Cunningham,
Bethune,	Davis (DeKalb),
Blackwell,	Dent,
Boone,	deGraffenried,
Brooks,	Duke,
Browne,	Eley,
Burnett,	Eyster,
Burns,	Ferguson,
Byars,	Fitts.
Cardon,	Fletcher,
Carmichael (Colbert),	Foshee,
Carnathon,	Foster,

Freeman,	Norwood,
Gilmore,	Oates,
Glover,	O'Neal (Lauderdale),
Graham (Montgomery),	O'Neill, (Jefferson),
Grayson,	Opp,
Greer (Calhoun),	O'Rear,
Greer (Perry),	Palmer,
Haley,	Parker (Cullman),
Handley,	Parker (Elmore),
Harrison,	Pearce,
Heflin (Chambers),	Pettus,
Heflin (Randolph),	Pillans,
Henderson,	Porter,
Hodges,	Proctor,
Hood	Reese,
Powell,	Reynolds (Chilton),
Howze,	Rogers (Sumter),
Inge,	Samford,
Jackson,	Sanders,
Jones (Bibb),	Sanford,
Jones (Hale),	Selheimer,
Jones (Wilcox),	Smith, Mac. A.,
Knight,	Smith, Morgan M.,
Kyle,	Sorrell,
Ledbetter,	Spears,
Lomax,	Spragins,
Long (Walker),	Stewart,
Lowe (Jefferson),	Vaughan,
Lowe (Lawrence),	Waddell,
Macdonald,	Walker,
McMillan (Baldwin),	Watts,
McMillan (Wilcox),	Weakley,
Malone,	Weatherly,
Martin,	White,
Merrill,	Whiteside,
Miller (Marengo),	Williams (Barbour),
Miller (Wilcox)	Williams (Marengo),
Moody,	Williams (Elmore),
Mulkey,	Wilson (Clarke)
Murphree,	Wilson (Washington),
NeSmith,	Winn—121.
Norman,	

REPORT OF THE COMMITTEE ON ORDER, CONSISTENCY AND  
HARMONY OF THE WHOLE CONSTITUTION.

Mr. White, chairman of the Committee on Order, Consistency and Harmony of the Whole Constitution, submitted the following report:

*Mr. President:*

The Committee on Order, Consistency and Harmony of the Constitution, to which was referred resolution No. 326, by Mr. Sanders of Limestone, respectfully report the said resolution back with the recommendation that the same do not pass.

Respectfully submitted,

FRANK S. WHITE, *Chairman.*

The resolution was read as follows:

Resolution 326:

Resolved, That all officers elected by the people in the respective counties of this State, whose terms of office is four years, and expires in the year 1904, are hereby continued in office until their successors shall have been elected at the general election in 1906.

Mr. Samford moved that the consideration of the report be made a special order for 12 o'clock to-morrow.

On motion of Mr. Greer of Calhoun the motion of Mr. Samford was laid upon the table.

REPORT OF THE COMMITTEE ON SCHEDULE, PRINTING AND  
INCIDENTAL EXPENSES.

Mr. Heflin of Randolph, chairman of the Committee on Schedule, Printing and Incidental Expenses, reported favorably ordinance 459, which was laid upon the table, and 300 copies ordered printed.

Ordinance 459: To appropriate \$143.75 for the payment of C. B. Brown and the Alabama Printing Company for services performed for the State of Alabama for the use of the Constitutional Convention.

## REPORT OF COMMITTEE ON SUFFRAGE AND ELECTIONS.

Mr. Coleman of Green, chairman of the Committee on Suffrage and Elections, submitted the following report:

*Mr. President:*

The Committee on Suffrage and Elections directs me to report the following provision as a substitute for the first subdivision of Section 181. They further direct me to report the remainder of said section 181 without further modification or change.

THOMAS W. COLEMAN, *Chairman.*

Subdivision for the first subdivision of Section 181:

First, Those who can read and write any part of the Constitution of the United States in the English language, and who are physically unable to work, and those who can read and write any article of the Constitution of the United States in the English language and have worked or been regularly engaged in some lawful employment, business or occupation, trade or calling for the greater part of the twelve months next preceding the time they offer to register, and those who are unable to read and write, if such inability is due solely to physical disability; or.

The substitute, as reported by the Committee on Suffrage and Elections for subdivision 1 of Section 181, was adopted.

Mr. Harrison offered the following amendment to Section 181, subdivision 2:

Amendment to Section 181, subdivision 2, by adding in line 9 after the word "property" and before the words "in this State" the words "or of real and personal property."

Mr. deGraffenried moved to table the amendment offered by Mr. Harrison.

The motion was lost: Yeas, 31; nays, 90.

## YEAS.

Messrs. President,	Knight,
Altman,	Macdonald,
Barefield,	McMillan (Wilcox),
Carnathon,	Miller (Wilcox),
Chapman,	Norwood,
Cobb,	O'Neal (Lauderdale),
Coleman (Greene),	Parker (Cullman),
Coleman (Walker),	Reese,
deGraffenried,	Sanders.
Ferguson,	Smith, Mac. A.,
Glover,	Sorrell,
Graham (Montgomery),	Stewart,
Greer (Perry),	Vaughan,
Hood,	Williams (Elmore),
Jones (Wilcox),	Wilson (Washington)—31.
Kirk,	

## NAYS.

Messrs. Ashcraft,	Eyster,
Banks,	Fitts,
Bartlett,	Fletcher,
Beavers,	Foshee,
Beddow,	Foster,
Bethune,	Freeman,
Blackwell,	Graham (Talladega).
Boone,	Grant,
Brooks,	Grayson,
Burns,	Greer (Calhoun),
Byars,	Haley,
Cardon,	Handley,
Carmichael (Colbert),	Harrison,
Case,	Heflin (Chambers),
Cofer,	Heflin (Randolph),
Craig,	Henderson,
Cunningham,	Hodges,
Davis (DeKalb),	Howell,
Davis (Etowah),	Howze,
Dent,	Inge,
Duke,	Jackson,
Eley,	



Jones (Bibb),	Phillips,
Jones (Hale),	Piliars,
Jones (Montgomery),	Porter,
Kyle,	Proctor,
Ledbetter,	Reynolds (Chilton),
Lomax,	Rogers (Lowndes),
Lowe (Lawrence),	Rogers (Sumter),
McMillan (Baldwin),	Sanford,
Malone,	Searcy,
Martin,	Selheimer,
Merrill,	Sentell,
Miller (Marengo),	Sloan,
Moody,	Spears,
Mulkey,	Spragins,
Murphree,	Studdard,
Norman,	Waddell,
Oates,	Walker,
O'Neill (Jefferson),	Watts,
Opp,	Weatherly,
O'Rear,	White,
Palmer,	Whiteside,
Parker (Elmore),	Wilson (Clarke),
Pearce,	Winn—90.
Pettus,	

The question recurred upon the adoption of the amendment offered by Mr. Harrison.

The amendment was adopted.

Mr. White offered the following amendment to Article VIII, which was adopted:

Amend Section 189 by adding after the words "any election" at the end of line 24, the following: "And in criminal prosecutions for violations of election laws," and by adding after the word "defendant" in line 25, the following, "in such criminal prosecution."

On motion of Mr. White, Article VIII, as amended, was adopted.

Article VIII was referred to the Committee on Order, Consistency and Harmony of the Whole Constitution.

## ARTICLE IX.

## REPRESENTATION.

Was read at length as follows, and adopted:

## ARTICLE IX.

## REPRESENTATION.

197. The whole number of Senators shall be not less than one-fourth, or more than one-third of the whole number of Representatives.

198. The House of Representatives shall consist of not more than one hundred and five members, unless new counties shall be created, in which event each new county shall be entitled to one Representative. The members of the House of Representatives shall be apportioned by the Legislature among the several counties of the State, according to the number of inhabitants in them respectively, as ascertained by the decennial census of the United States; which apportionment when made shall not be subject to alteration until the next session of the Legislature after the next decennial census of the United States shall have been taken.

199. It shall be the duty of the Legislature at its first session after the taking of the decennial census of the United States in the year 1910, and after each subsequent decennial census, to fix by law the number of Representatives, and apportion them among the several counties of the State, according to the number of inhabitants in them respectively; provided, that each county shall be entitled to at least one Representative.

200. It shall be the duty of the Legislature at its first session after the taking of the decennial census of the United States in the year 1910, and after each subsequent decennial census, to fix by law the number of Senators, and to divide the State into as many Senatorial districts as there are Senators, which districts shall be as nearly equal to each other in the number of inhabitants as may be, and each shall be entitled to one

Senator, and no more; and such districts, when formed shall not be changed until the next apportioning session of the Legislature after the next decennial census of the United States shall have been taken; provided, that counties created after the next preceding apportioning session of the Legislature may be attached to Senatorial districts. No county shall be divided between two districts, and no district shall be made up of two or more counties not contiguous to each other.

201. Should any decennial census of the United States not be taken, or if when taken the same, as to this State be not full and satisfactory, the Legislature shall have power at its first session after the time shall have elapsed for the taking of said census, to provide for an enumeration of all the inhabitants of this State, upon which it shall be the duty of the Legislature to make the apportionment of Representatives and Senators, as provided for in this article.

202. Until the Legislature shall make an apportionment of Representatives among the several counties as provided in the preceding section the counties of Autauga, Baldwin, Bibb, Blount, Cherokee, Chilton, Choctaw, Clay, Cleburne, Coffee, Colbert, Conecuh, Coosa, Covington, Crenshaw, Cullman, Dale, DeKalb, Escambia, Fayette, Franklin, Geneva, Greene, Lamar, Lawrence, Limestone, Macon, Marion, Marshall, Monroe, Pickens, Randolph, St. Clair, Shelby, Washington, and Winston shall each have one Representative; the counties of Barbour, Bullock, Butler, Calhoun, Chambers, Clarke, Elmore, Etowah, Hale, Henry, Jackson, Lauderdale, Lee, Lowndes, Madison, Marengo, Morgan, Perry, Pike, Russell, Sumter, Talladega, Talapoosa, Tuscaloosa, Walker and Wilcox shall each have two Representatives; the counties of Dallas and Mobile shall each have three Representatives; the county of Montgomery shall have four Representatives; and the county of Jefferson shall have seven Representatives.

203. Until the Legislature shall divide the State into Senatorial districts, as herein provided, the Senatorial districts shall be as follows:

First district, Lauderdale and Limestone; Second district, Lawrence and Morgan; Third district, Blount, Cullman and Winston; Fourth district, Madison; Fifth district, Jackson and Marshall; Sixth district, Etowah and St. Clair; Seventh district, Calhoun; Eighth district, Talladega; Ninth district, Chambers and Randolph; Tenth district, Tallapoosa and Elmore; Eleventh district, Tuscaloosa; Twelfth district, Fayette, Lamar and Walker; Thirteenth district, Jefferson; Fourteenth district, Pickens and Sumter; Fifteenth District, Autauga, Chilton and Shelby; Sixteenth district, Lowndes; Seventeenth district, Butler, Conecuh and Covington; Eighteenth district, Bibb and Perry; Nineteenth district, Choctaw, Clarke and Washington; Twentieth district, Marengo; Twenty-first district, Baldwin, Escambia and Monroe; Twenty-second district, Wilcox; Twenty-third district, Dale and Geneva; Twenty-fourth district, Barbour; Twenty-fifth district, Coffee, Crenshaw and Pike; Twenty-sixth district, Bullock and Macon; Twenty-seventh district, Lee and Russell; Twenty-eighth district, Montgomery; Twenty-ninth district, Cherokee and DeKalb; Thirtieth district, Dallas; Thirty-first district, Colbert, Franklin and Marion; Thirty-second district, Greene and Hale; Thirty-third district, Mobile; Thirty-fourth district, Cleburne, Clay and Coosa; Thirty-fifth district, Henry.

## ARTICLE X.

### EXEMPTIONS.

Was read at length as follows, and adopted :

## ARTICLE X.

### EXEMPTIONS.

204. The personal property of any resident of this State to the value of \$1,000, to be selected by such resident, shall be exempted from sale on execution, or other process of any court, issued for the collection of

any debt contracted since the thirteenth day of July, 1868, or after the ratification of this Constitution.

205. Every homestead, not exceeding 80 acres, and the dwelling and appurtenances thereon, to be selected by the owner thereof, and not in any city, town or village, or in lieu thereof, at the option of the owner, any lot in a city, town or village, with the dwelling and appurtenances thereon owned and occupied by any resident of this State, and not exceeding the value of \$2,000, shall be exempt from sale on execution or any other process from a court, for any debt contracted since the thirteenth day of July, 1868, or after the ratification of this Constitution. Such exemption, however, shall not extend to any mortgage lawfully obtained, but such mortgage, or other alienation of said homestead by the owner thereof, if a married man, shall not be valid without the voluntary signature and assent of the wife to the same.

206. The homestead of a family, after the death of the owner thereof, shall be exempt from the payment of any debt contracted since the thirteenth day of July, 1868, or after the ratification of this Constitution, in all cases, during the minority of the children.

207. The provisions of Secs. 204 and 205 of this Constitution shall not be so construed as to prevent a laborers' lien for work done and performed for the person claiming such exemption, or a mechanic's lien for work done on the premises.

208. If the owner of a homestead die, leaving a widow, but no children, such homestead shall be exempt, and the rents and profits thereof shall inure to her benefit.

209. The real or personal property of any female in this State, acquired before marriage, and all property, real or personal, to which she may afterwards be entitled by gift, grant, inheritance or devise, shall be and remain the separate estate and property of such female, and shall not be liable for any debts, obligations or engagements of her husband, and may be devised by her, the same as if she was a feme sole.

210. The right of exemption hereinbefore secured, may be waived by an instrument in writing, and when such waiver relates to realty, the instrument must be signed by both the husband and the wife, and attested by one witness.

## ARTICLE XI.

### TAXATION.

Was read at length as follows:

## ARTICLE XI.

### TAXATION.

211. All taxes levied on property in this State shall be assessed in exact proportion to the value of such property, but no tax shall be assessed upon any debt for rent or hire of real or personal property, while owned by the landlord or hirer during the current year of such rental or hire, if such real or personal property be assessed at its full value.

212. The power to levy taxes shall not be delegates to individuals or private corporations or associations.

213. After the ratification of this Constitution, no new debt shall be created against, or incurred by this State, or its authority, except to repel invasion or suppress insurrection, and then only by a concurrence of two-thirds of the members of each House of the Legislature and the vote shall be taken by yeas and nays and entered on the Journals; and any act creating or incurring any new debt against this State, except as herein provided for, shall be absolutely void; provided, the Governor may be authorized to negotiate temporary loans, never to exceed \$300,000, to meet the deficiencies in the Treasury; and until the same is paid no new loan shall be negotiated; provided further, that this section shall not be so construed as to prevent the issuance of bonds for the purpose of refunding the existing bonded indebtedness of the State.

214. The Legislature shall not have the power to levy in any one year a greater rate of taxation than sixty-five one-hundredths of 1 per centum on the value of the taxable property within this State.

215. No county in this State shall be authorized to levy a greater rate of taxation in any one year on the value of the taxable property therein than one-half of one per centum; provided, that to pay debts existing on the sixth day of December, 1875, an additional rate of one-fourth of one per centum may be levied and collected which shall be appropriated exclusively to the payment of such debts and the interest thereon; provided, further, that to pay any debt or liability now existing against any county, incurred for the erection, construction or maintenance of the necessary public buildings or bridges, or that may hereafter be created for the erection of necessary public buildings, bridges or roads, any county may levy and collect such special taxes, not to exceed one-fourth of one per centum, as may have been or may hereafter be authorized by law, which taxes so levied and collected shall be applied exclusively to the purposes for which the same was so levied and collected.

216. No city, town, village or other municipal corporation, other than as provided in this article, shall levy or collect a higher rate of taxation in any one year on the property situated therein than one-half of one per centum of the value of such property as assessed for State taxation during the preceding year; provided that for the purpose of paying debts existing on the sixth day of December, 1875, and the interest thereon, a tax of one per centum may be levied and collected, to be applied exclusively to the payment of such indebtedness; and provided further that this section shall not apply to the city of Mobile, which city may from and after the ratification of this Constitution levy a tax not to exceed the rate of three-fourths of one per centum to pay the expenses of the city government and may also levy a tax not to exceed three-fourths of one per centum to pay the debt existing on the sixth day of December, 1875, with interest thereon, or any renewal of such debt; and

provided further that this section shall not apply to the cities of Birmingham and Huntsville and the town of Andalusia, which cities and towns may levy and collect a tax not to exceed one-half of one per centum in addition to the tax of one-half of one per centum as hereinbefore allowed to be levied and collected, such special tax to be applied exclusively to the payment of interest on bonds of said cities of Birmingham and Huntsville and town of Andalusia respectively, heretofore issued in pursuance of law, or now authorized by law to be issued, and for a sinking fund to pay off said bonds at the maturity thereof; and provided further that this section shall not apply to the city of Montgomery, which city shall have the right to levy and collect a tax of not exceeding one-half of one per centum per annum upon the value of the taxable property therein, as fixed for State taxation, for general purposes, and an additional tax of not exceeding three-fourths of one per centum per annum upon the value of the property therein, as fixed for State taxation to be devoted exclusively to the payment of its public debt, interest thereon, and renewals thereof, and to the maintenance of its public schools, and public conveniences; and provided further, that this section shall not apply to Troy, Attalla, Gadsden, Bessemer, Woodlawn, Brewton, Pratt City, Ensley, Wylam and Avondale, which cities and towns may, from and after the ratification of this Constitution, levy and collect an additional tax of not exceeding one-half of one per centum; and provided further, that this section shall not apply to the cities of Decatur, New Decatur and Cullman, which cities may from and after the ratification of this Constitution, levy and collect an additional tax of not exceeding three-tenths of one per centum per annum, such special tax of said city of Decatur to be applied exclusively for the public schools, public school buildings, and public improvements; and such special tax of said cities of New Decatur and Cullman to be applied exclusively for educational purposes, and to be expended under their respective Boards of Public School Trustees; but this additional tax shall not be levied by Troy, Attalla, Gadsden, Bessemer, Wood-



lawn, Brewton, Pratt City, Ensley, Wylam, Avondale, Decatur, New Decatur or Cullman unless authorized by a majority vote of the qualified electors voting at a special election held for the purpose of ascertaining whether or not said tax shall be levied; and provided further, that the purposes for which such special tax is sought to be levied shall be stated in such election call, and, if authorized, the revenue derived from such special tax shall be used for no other purpose than that stated; and provided further, that the additional tax authorized to be levied by the city of Troy, when so levied and collected, shall be used exclusively in the payment of the bonds and interest coupons thereon, hereafter issued in the adjustment of the present bonded indebtedness of said city; and provided further, that the additional tax authorized to be levied and collected by said city of Atlanta shall, when so levied and collected, be used exclusively in the payment of bonds to the amount of not exceeding \$25,000 and the interest coupons thereon, hereafter to be issued in the adjustment of the present indebtedness of said city; provided further, that the governing boards of said cities, which are authorized to levy an additional tax, after the holding of an election as aforesaid, are hereby authorized to provide by ordinance the necessary machinery for the holding of said election and declaring the results thereof.

217. The property of private corporations, associations and individuals of this State shall forever be taxed at the same rate; provided, this section shall not apply to institutions devoted exclusively to religious, educational or charitable purposes.

218. The Legislature shall not have the power to require the counties or other municipal corporations to pay any charges which are now payable out of the State Treasury.

219. The Legislature may levy a tax of not more than two and one-half per centum of the value of all estate, real and personal, money, public and private securities of every kind in this State, passing from any person who may die seized and possessed thereof, or of any part of such estate,

money or securities, or interest therein, transferred by the intestate laws of this State, or by will, deed, grant, bargain, sale or gift, made or intended to take effect in possession after the death of the grantor, devisor, or donor, to any person or persons, bodies politic or corporate, in trust or otherwise, other than to or for the use of the father, mother, husband, wife, brothers, sisters, children or lineal descendants of the grantor, devisor, donor or intestate.

Mr. Sanford offered the following amendment to Article XI:

Amend Section 216 of the proposed Constitution by striking out the following words, beginning on the 21st line, page 63 of said section: "And provided further, that this section shall not apply to the city of Montgomery, which city shall have the right to levy and collect a tax of not exceeding one-half of one per centum per annum upon the value of the taxable property therein as fixed for State taxation for general purposes, and an additional tax of not exceeding three-fourths of one per centum per annum upon the value of the property therein, as fixed for State taxation, to be devoted exclusively to the payment of the public debt, interest thereon and renewals thereof and the maintenance of its public schools and public conveniences" on page 64, and insert in lieu thereof the following: "The city of Montgomery shall not levy nor collect a larger rate of taxation in any one year on the property thereof than one-half of one per centum of the value of such property as assessed for State taxation during the preceding year; provided, that for the payment of debts existing at the time of the ratification of the Constitution of 1875, and the interest thereon, an additional rate of one per centum may be collected, to be applied exclusively to such indebtedness."

On motion of Mr. Watts the amendment was laid upon the table.

Mr. Cobb offered the following amendment to Article XI:

Amend Section 211 by striking out all after the word "hire" on third line.

The amendment of Mr. Cobb was, on motion of Mr. White, laid upon the table.

Mr. deGraffenried offered the following amendment to Article XI:

Amend Section 216, Article XI, on page 65 of the printed copy, by adding at the end thereof, "and provided further that this section shall not apply to the city of Selma, which city may levy and collect a tax of not exceeding one and fifteen-hundredths of one per centum upon the value of the taxable property therein as fixed for State taxation, for general expenses, payment of debts, and aid to public schools."

On motion of Mr. Craig the amendment was laid upon the table.

Mr. Sanford offered the following amendment to Article XI:

Amend Section 216 by inserting in line 24 of said section, on page 63, after the words "State taxation," the words "in the preceding year," and insert the words "for the preceding year" after the word "taxation" in the first line on page 64 of the said report. And after the words "public conveniences" in the second line on said page of said section add the following words: "but this additional tax shall not be levied and collected by the city of Montgomery unless it shall be authorized by the votes of the qualified electors voting at a special election held for the purpose of ascertaining whether or not said tax shall be levied; provided that the purpose for which said tax is sought to be levied shall be stated in the notice for such election, which shall be held under the direction of the Judge of Probate, the Sheriff and Clerk of the Circuit Court of Montgomery county, under the laws regulating general elections, and if such tax be authorized by the voters, the revenue derived from such special tax shall be used for no other purpose than that stated."

On motion of Mr. Graham of Montgomery the amendment was laid upon the table.

Mr. Beddow offered the following amendment to Article XI, which was adopted:

Amend line 15, Section 216, by striking out the word "and" between Birmingham and Huntsville, and adding

after Huntsville the words "and Bessemer." Also strike out the word "Bessemer" from lines 3 and 11 of same section.

On motion of Mr. White, Article XI, as amended, was adopted.

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## ARTICLE XII.

### MUNICIPAL CORPORATIONS.

Was read at length as follows:

## ARTICLE XII.

### MUNICIPAL CORPORATIONS.

220. No person, firm, association or corporation shall be authorized or permitted to use the streets, avenues, alleys or public places of any city, town or village for the construction or operation of any public utility or private enterprise, without first obtaining the consent of the proper authorities of such city, town or village.

221. The Legislature shall not enact any law which will permit any person, firm, corporation or association to pay a privilege, license or other tax to the State of Alabama, and relieve him or it from the payment of all other privilege and license taxes in the State.

222. The Legislature, after the ratification of this Constitution, shall have authority to pass general laws authorizing the counties, cities, towns, villages, districts or other political subdivisions of counties to issue bonds, but no bonds shall be issued under authority of a general law unless such issue of bonds be first authorized by a majority vote by ballot of the qualified voters of such county, city, town, village, district, or other political subdivision of a county, voting upon such proposition. The ballot used at such election shall contain the words "For ..... bond issue," and "Against.....  
.....bond issue," (the character of the bond to be

shown in the blank space), and the voter shall indicate his choice by placing a cross mark before or after the one or the other. This section shall not apply to the renewal, refunding, or reissue of bonds lawfully issued, nor to the issuance of bonds in cases where the same have been authorized by laws enacted prior to the ratification of this Constitution, nor shall this section apply to obligations incurred or bonds to be issued to procure means to pay for street and sidewalk improvements or sanitary or storm water sewers, the cost of which is to be assessed, in whole or in part, against the property abutting said improvements, or drained by such sanitary or storm water sewers.

223. No city, town or other municipality shall make any assessments for the cost of sidewalks or street paving, or for the cost of the construction of any sewers against property abutting on such street or sidewalk so paved, or drained by such sewers, in excess of the increased value of such property by reason of the special benefits derived from such improvements.

224. No county shall become indebted in an amount including present indebtedness, greater than three and one-half per centum of the assessed value of the property therein; provided, this limitation shall not affect any existing indebtedness in excess of such three and one-half per centum, which has already been created or authorized by existing law to be created; provided that any county which has already incurred a debt exceeding three and one-half per centum of the assessed value of the property therein, shall be authorized to incur an indebtedness of one and a half per centum of the assessed value of such property in addition to the debt already existing. Nothing herein contained shall prevent any county from issuing bonds, or other obligations, to fund or refund any indebtedness now existing or authorized by existing laws to be created.

225. No city, town or other municipal corporation having a population of less than 6,000, except as hereinafter provided, shall become indebted in an amount, including present indebtedness, exceeding 5 per centum of the assessed value of the property therein, except for

the construction or purchase of water works, gas or electric lighting plants, or sewerage, or for the improvement of streets, for which purposes an additional indebtedness not exceeding 3 per centum may be created; provided, this limitation shall not affect any debt now authorized by law to be created, nor any temporary loans to be paid within one year, made in anticipation of the collection of taxes not exceeding  $\frac{1}{4}$  of the annual revenues of such city or town. All towns and cities having a population of 6,000 or more, also Gadsden, Ensley, Decatur, New Decatur, are hereby authorized to become indebted in an amount, including present indebtedness, not exceeding 7 per centum of the assessed valuation of the property therein; provided that there shall not be included in the limitation of the indebtedness of such last described cities and towns the following classes of indebtedness, to-wit: Temporary loans, to be paid within one year, made in anticipation of the collection of taxes, and not exceeding one-fourth of the general revenues, bonds or other obligations already issued, or which may hereafter be issued for the purpose of acquiring, providing or constructing school houses, water works and sewers and obligations incurred and bonds issued for street or sidewalk improvements, where the cost of the same, in whole or in part, is to be assessed against the property abutting said improvements; provided, that the proceeds of all obligations issued as herein provided, in excess of said 7 per centum shall not be used for any purpose other than that for which said obligations were issued. Nothing contained in this article shall prevent the funding or refunding of existing indebtedness. This section shall not apply to the cities of Sheffield and Tuscumbia.

226. No city, town or village, whose present indebtedness exceeds the limitation imposed by this Constitution, shall be allowed to become indebted in any further amount, except as otherwise provided in this Constitution, until such indebtedness shall be reduced within such limit; provided, however, that nothing herein contained shall prevent any municipality from issuing bonds already authorized by law; provided further,

that this section shall not apply to the cities of Sheffield and Tuscumbia.

227. Any person, firm, association or corporation, who may construct or operate any public utility along or across the public streets of any city, town or village, under any privilege of franchise permitting such construction, or operation, shall be liable to abutting proprietors for the actual damages done to the abutting property on account of such construction or operation.

#### PRIVATE CORPORATIONS.

228. The Legislature shall pass no special act conferring corporate powers, but it shall pass general laws under which corporations may be organized and corporate powers obtained; subject, nevertheless, to repeal at the will of the Legislature; and shall pass general laws under which charters may be altered or amended. The Legislature shall, by general law, provide for the payment to the State of Alabama of a franchise tax by corporations organized under the laws of this State, which shall be in proportion to the amount of capital stock. But strictly benevolent, educational or religious corporations shall not be required to pay such a tax. The charter of any corporation shall be subject to amendment, alteration or repeal under general laws.

229. All existing charters under which a bona fide organization shall not have taken place, and business commenced in good faith within twelve months from the time of the ratification of this Constitution, shall thereafter have no validity.

230. The Legislature shall not remit the forfeiture of the charter of any corporation now existing nor alter or amend the same, nor pass any general or special law for the benefit of such corporation other than in execution of a trust created by law or by contract, except upon the condition that such corporation shall thereafter hold its charter subject to the provisions of this Constitution.

231. No foreign corporation shall do any business in this State without having at least one known place of business, and an authorized agent or agents therein, and without filing with the Secretary of State a certified

copy of its articles of incorporation or association. Such corporation may be sued in any county where it does business, by service of process upon an agent anywhere in the State. The Legislature shall, by general law, provide for the payment to the State of Alabama of a franchise tax by such corporation, but such franchise tax shall be based on the actual amount of capital employed in this State. Strictly benevolent, educational or religious corporations shall not be required to pay such a tax.

232. No corporation shall engage in any business other than that expressly authorized in its charter, or articles of incorporation.

233. No corporation shall issue stocks or bonds except for money, labor done, or property actually received; and all fictitious increase of stock or indebtedness shall be void. The stock and bonded indebtedness of corporations shall not be increased except in pursuance of general laws, nor without the consent of the persons holding the larger amount in value of stock, first obtained at a meeting to be held after thirty days' notice given in pursuance of law.

234. Municipal and other corporations and individuals invested with the privilege of taking property for public use, shall make just compensation to be ascertained as may be provided by law, for the property taken, injured or destroyed by the construction or enlargements of its works, highways or improvements, which compensation shall be paid before such taking, injury or destruction. The Legislature is hereby prohibited from denying the right of appeal from any preliminary assessment of damages against any such corporations or individuals made by viewers or otherwise, but such appeal shall not deprive those who have obtained the judgment or condemnation from a right of entry, provided the amount of damages assessed shall have been paid in the court in money and a bond shall have been given in not less than double the amount of the damages assessed, with good and sufficient sureties to pay such damages as the property owner may sustain; and the amount of damages in all cases of appeals



shall on the demand of either party, be determined by a jury, according to law.

235. Dues from private corporations shall be secured by such means as may be prescribed by law, but in no case shall any stockholder be individually liable otherwise than for the unpaid stock owned by him or her.

236. No corporation shall issue preferred stock without the consent of the owners of two-thirds of the stock of said corporation.

237. The Legislature shall have the power to alter, amend or revoke any charter of incorporation now existing and revokable at the ratification of this Constitution, or any that may be hereafter created, whenever, in its opinion, such charter may be injurious to the citizens of this State, in such manner, however, that no injustice shall be done to the stockholders.

238. Any association or corporation organized for the purpose, or any individual shall have the right to construct and maintain lines of telegraph and telephone within this State, and connect the same with other lines, and the Legislature shall, by general law of uniform operation, provide reasonable regulations to give full effect to this section. No telegraph or telephone company shall consolidate with or hold a controlling interest in the stock or bonds of any other telegraph or telephone company owning a competing line, or acquire, by purchase or otherwise, any other competing line of telegraph or telephone.

239. All corporations shall have the right to sue, and shall be subject to be sued, in all courts in like cases as natural persons.

240. The term "corporation" as used in this article, shall be construed to include all joint stock companies and all associations having any of the powers or privileges of corporations, not possessed by individuals or partnerships.

#### RAILROADS AND CANALS.

241. All railroads and canals not constructed and used exclusively for private purposes, shall be public highways, and all railroads and canal companies shall be common carriers. Any association or corporation or-

ganized for the purpose shall have the right to construct and operate a railway between any points in this State, and connect at the State line, with railroads of other States. Every railroad company shall have the right with its road to intersect, connect with, or cross any other railroad, and each shall receive and transport the freights, passengers and cars, loaded or empty, of the others, without delay or discrimination.

242. The power and authority of regulating railroad freight and passenger tariffs, the locating and building of passenger and freight depots, correcting abuses, preventing unjust discrimination and extortion and requiring reasonable and just rates of freight and passenger tariffs, are hereby conferred upon the Legislature, whose duty it shall be to pass laws from time to time regulating freight and passenger tariffs, to prohibit unjust discriminations on the various railroads, canals and rivers of the State, and to prohibit the charging of other than just and reasonable rates and enforce the same by adequate penalties.

243. No railroad or other transportation company or corporation shall grant free passes or sell tickets or passes at a discount other than as sold to the public generally, to any member of the Legislature or to any officer exercising judicial functions under the laws of this State, and any such member or officer receiving such a pass or ticket for himself, or procuring the same for another, shall be guilty of a misdemeanor, and, upon conviction, shall be fined not exceeding \$500, and at the discretion of the court trying the case, in addition to such fine, may be imprisoned for a term not exceeding six months, and upon conviction, shall be subject to impeachment and removal from office. The courts having jurisdiction shall give this law specially in charge to the Grand Juries, and when the evidence is sufficient to authorize an indictment, the Grand Jury must present a true bill. Any county into or through which such member or officer is transported by the use of such prohibited pass or ticket, shall have jurisdiction of the case, provided only one prosecution shall be had for the same offense; and provided further, that the trial and judgment for one offense shall not bar a prosecution for an-

other offense, when the same pass or ticket is used; and provided further, that nothing herein shall prevent a member of the Legislature who is a bona fide employe of a railroad or other transportation company or corporation at the time of his election, from accepting or procuring for himself or another, not a member of the Legislature, or officer exercising judicial functions, a free pass over the railroads or other transportation company or corporation by which he is employed.

244. No railroad company shall give or pay any rebate, or a bonus in the nature thereof, directly or indirectly, or do any act to mislead or deceive the public as to the real rates charged or received for freights and passage; and any such payments shall be illegal and void, and these prohibitions shall be enforced by suitable penalties.

245. No railroad, canal or transportation company in existence at the time of the ratification of this Constitution, shall have the benefit of any future legislation by general or special laws other than in execution of a trust created by law or by contract, except on the condition of complete acceptance of all the provisions of this article.

Mr. Kyle offered the following amendment to Article XII, which was adopted:

Amend Section 226 by adding after the word "municipality" in eleventh line, the words "except city of Gadsden."

Mr. White offered the following amendment to Article XII:

Amend Section 231 by adding after the word "State" in line twelve, the following: "Any foreign corporation doing business in this State may be sued by residents of this State in any county in which it does business, whether the cause of action sued on arose in this State or beyond the limits thereof."

Mr. Sorrell offered the following substitute for the amendment offered by Mr. White:

Foreign corporations doing business in this State must be sued in the county in which the cause of action arose.

## ADJOURNMENT.

Pending the further consideration of the report of the Committee on Order, Consistency and Harmony of the Whole Constitution, the hour of 7 o'clock p. m. having arrived, under the rules the Convention adjourned until 9 o'clock to-morrow morning.

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## EIGHTIETH DAY.

## CONVENTION HALL.

Montgomery, Ala., Saturday, August 31, 1901.

The Convention met pursuant to adjournment.  
Prayer was offered by Rev. Mr. Marshal of the city.

## ROLL CALL.

On a call of the roll of the Convention the following delegates answered to their names, which constituted a quorum :

Messrs. President,	Coleman (Walker),
Altman,	Craig,
Ashcraft,	Davis (DeKalb),
Barefield,	Davis, (Etowah),
Bartlett,	Dent,
Beavers,	deGraffenried,
Beddow,	Duke,
Bethune,	Eley,
Blackwell,	Eyster,
Boone,	Ferguson,
Brooks,	Fletcher,
Burns,	Foshee,
Byars,	Foster,
Carmichael (Colbert),	Freeman,
Case,	Glover,
Chapman,	Graham (Montgomery),
Cobb,	Graham (Talladega),
Coleman (Greene),	Grayson,

Greer (Calhoun),  
Greer (Perry),  
Haley,  
Handley,  
Harrison,  
Heflin (Chambers),  
Heflin (Randolph),  
Henderson,  
Hodges,  
Hood  
Howell,  
Howze,  
Jackson,  
Jones (Bibb),  
Jones (Montgomery),  
Jones (Wilcox),  
Kirk.  
Knight,  
Kyle,  
Lomax,  
Long (Walker),  
Lowe (Lawrence),  
Macdonald,  
McMillan (Baldwin),  
McMillan (Wilcox),  
Malone,  
Martin,  
Miller (Marengo),  
Miller (Wilcox)  
Murphree,  
NeSmith,  
Norman.  
Norwood,  
Oates,  
O'Neal (Lauderdale),  
O'Neill, (Jefferson),  
Opp,  
O'Rear,  
Palmer,

Parker (Cullman),  
Parker (Elmore),  
Samford,  
Sanders,  
Sanford,  
Pearce,  
Pettus,  
Phillips,  
Pillans,  
Reese,  
Reynolds (Henry),  
Rogers (Lowndes),  
Rogers (Sumter),  
Searcy,  
Selheimer,  
Sentell,  
Smith (Mobile),  
Smith, Mac. A.,  
Smith, Morgan M.,  
Sollie,  
Sorrell,  
Spears,  
Spragins,  
Stewart,  
Tayloe,  
Waddell,  
Walker,  
Watts,  
Weakley,  
Weatherly,  
White,  
Whiteside,  
Williams (Barbour),  
Williams (Marengo),  
Williams (Elmore),  
Wilson (Clarke)  
Wilson (Washington),  
Winn—113.

## LEAVE OF ABSENCE.

Was granted to Messrs. Norwood, Eley, Bulger for to-day; Howze and Handley for Monday; Almon indefinitely.

## STENOGRAPHIC REPORT.

Messrs. Eyster, Coleman of Greene, and Reese called the attention of the Convention to certain errors in the stenographic report of the proceedings of yesterday.

The report was ordered corrected.

## QUESTION OF PERSONAL PRIVILEGE.

Messrs. Greer of Calhoun, and Rogers of Sumter arose to questions of personal privilege, and proceeded to state their questions of personal privilege.

## REPORT OF THE COMMITTEE ON THE JOURNAL.

The chairman of the Committee on the Journal submitted the following report, which was concurred in :

The Committee on the Journal beg leave to report that they have examined the Journal for the seventy-ninth day of the Convention, and that the same is correct.

Respectfully submitted,

JOHN F. PROCTOR, *Chairman.*

## RESOLUTIONS.

The following resolution was offered, read one time at length, and the rules were suspended and the resolution adopted :

Resolution 331, by Mr. deGraffenried :

Resolved, That the Convention remain in session until 2 o'clock to-day unless the work now before it is sooner completed.

## REPORT OF THE COMMITTEE ON RULES.

Mr. Smith, of Mobile, acting chairman of the Committee on Rules, reported favorably resolution 322, with a substitute.

The substitute was read at length as follows:

Resolved, That the Committee on the Order, Harmony and Consistency of the Whole Constitution be and it is hereby instructed to prepare and report to the Convention an ordinance extending the terms of office of the present Sheriffs for two additional years, and making their successors elective in 1906 for terms of four years; and that the committee make such further report as may be necessary to harmonize the Constitution with the ordinance so to be reported by it.

Mr. deGraffenried offered the following minority report to the report of the Committee on Rules:

The undersigned member of the Committee on Rules begs leave to say that he is not able to concur in the report of the majority of the Committee on Rules in recommending the extension of the terms of the present Sheriffs for two years. It has been at least forty days since this Convention determined to establish quadrennial elections in this State, but not until this Convention, on day before yesterday, refused to allow Sheriffs to succeed themselves was it proposed that this Convention should extend the term of the present Sheriffs for any period whatever. To now do so might not be improperly construed as an effort to placate officers whose demands upon us have not been met while it may be thought by some that the Constitution to be adopted by this Convention will be popularized and its ratification assured if the Sheriff who is the returning officer of elections is directly interested in the election held for that purpose, the inexpediency and impropriety of the measure proposed, it seems to me, beyond question.

While this Convention has lengthened the term of the Senators whose terms expire in 1904 for two years such Senators will draw no salaries and will perform no duties unless the Legislature is convened in extraordinary session. The Sheriffs, on the other hand, are officers of influence and power, with active duties to perform, and

to their offices, in a large number of cases, are attached handsome perquisites. Unless the Legislature should, at its next session, in like manner, extend the terms of the present Tax Collectors, Tax Assessors and County Commissioners (which was certainly not contemplated when those officers were elected) for two years an election in 1904 will be necessary, and as this is true, there is no reason why Sheriffs should not then be elected. This Convention has, in the Article on the Executive Department, which has been formerly adopted and is now in the hands of the Committee on Engrossment, provides that the Sheriff elected in 1904 shall hold office for a term of six years, and that all succeeding Sheriffs shall hold office for a term of four years. This renders the proposed action recommended by the committee unnecessary.

Believing as I do that we should confine ourselves to the business for which this Convention was called by the people, and that the action proposed is unnecessary and without precedent, I recommend that the said report of the Committee on Rules be not adopted.

ED. DEGRAFFENRIED, of the Committee on Rules.

On motion of Mr. Smith of Mobile, the minority report offered by Mr. deGraffenried was laid upon the table: Yeas, 74; nays, 46.

## YEAS.

Messrs. President,  
Altman,  
Ashcraft,  
Banks,  
Barefield,  
Blackwell,  
Burns,  
Cardon,  
Carmichael (Colbert),  
Chapman,  
Cobb,  
Coleman (Walker),  
Craig,

Cunningham,  
Davis (DeKalb),  
Davis (Etowah),  
Dent,  
Duke,  
Eyster,  
Ferguson,  
Fletcher,  
Gilmore,  
Glover,  
Grant,  
Greer (Perry),  
Haley,



Handley,  
 Harrison,  
 Heflin (Chambers),  
 Heflin (Randolph),  
 Hodges,  
 Hood,  
 Inge,  
 Jackson,  
 Jones (Bibb),  
 Jones (Wilcox),  
 Kirk,  
 Knight,  
 Kyle,  
 Ledbetter,  
 Lomax,  
 Long (Walker),  
 Macdonald,  
 McMillan (Baldwin),  
 Malone,  
 Merrill,  
 Miller (Marengo),  
 Miller (Wilcox),  
 NeSmith,  
 O'Neal (Lauderdale),

O'Neill (Jefferson),  
 Opp,  
 Palmer,  
 Parker (Cullman),  
 Pettus,  
 Proctor,  
 Reese,  
 Rogers (Lowndes),  
 Rogers (Sumter),  
 Samford,  
 Sanders,  
 Smith (Mobile),  
 Smith, Mac. A.,  
 Smith, Morgan M.,  
 Sorrell,  
 Spragins,  
 Weakley,  
 Weatherly,  
 Williams (Barbour),  
 Williams (Marengo),  
 Williams (Elmore),  
 Wilson (Clarke),  
 Wilson (Washington).  
 Winn—74.

#### NAYS.

Messrs. Bartlett,  
 Beddow,  
 Bethune,  
 Boone,  
 Brooks,  
 Byars,  
 Carnathon,  
 Case,  
 Cofer,  
 deGraffenried,  
 Eley,  
 Foshee,  
 Foster,  
 Freeman,

Graham (Montgomery),  
 Graham (Talladega),  
 Grayson,  
 Greer (Calhoun),  
 Howell,  
 Howze,  
 Jones (Montgomery),  
 Lowe (Jefferson),  
 McMillan (Wilcox),  
 Martin,  
 Murphree,  
 Norman,  
 Oates,  
 O'Rear,

Pearce,  
Phillips,  
Pillans,  
Porter,  
Reynolds (Henry),  
Sanford,  
Selheimer,  
Sentell,  
Sloan,

Spears,  
Stewart,  
Studdard,  
Tayloe,  
Waddell,  
Walker,  
Watts,  
White,  
Whiteside—46.

## PAIR ANNOUNCED.

The following pair was announced: Messrs. Pitts and Hendrson. Mr. Pitts would vote aye; and Mr. Henderson would vote nay.

The question recurred upon the adoption of the substitute.

The substitute was adopted.

On motion of Mr. Smith, of Mobile, the resolution, as amended, was adopted.

Mr. Smith, of Mobile, acting chairman of the Committee on Rules, also reported favorably, with a substitute, resolution 331, which was read at length as follows:

Resolution 330, by Mr. Reese:

Resolved, First, that all leaves of absence of members of this Convention be and the same are hereby revoked, to take effect on Monday, the 2nd day of September, 1901, at 12 o'clock meridian, and that no further leave of absence be granted beyond said time.

Second, That the Secretary of this Convention is instructed to notify absent members to return at said time.

Substitute by the Committee on Rules for resolution No. 330 by Mr. Reese, of Dallas:

Resolved, That all leaves of absence of members of this Convention, except on account of sickness, be and they are hereby revoked, to take effect on Tuesday, September 3d, at 9 a. m., and that no further leave of absence be granted beyond said time.

Be it further resolved, That the Secretary of this Convention is instructed to notify absent members to return at said time.

The substitute was adopted.

The question recurred upon the adoption of resolution 330, as amended by the substitute.

The resolution (330), as amended, was adopted.

Mr. Smith, of Mobile, acting chairman of the Committee on Rules, also reported favorably resolution 328, which was read at length as follows and adopted:

Resolution 328, by Mr. Eyster:

Whereas, the members of the Committee on Harmony completed their labors before the reassembling of this Convention, and returned to their respective homes, and,

Whereas, It would be unjust and inequitable for them not to receive their mileage as other members;

Therefore, be it resolved, That the members of the Committee on Order, Consistency and Harmony be allowed their mileage the same as the other members of this Convention.

#### RECONSIDERATION.

Mr. Coleman, of Greene, moved to reconsider the vote by which the Article on Suffrage and Elections was adopted.

Mr. Harrison moved to table the motion of Mr. Coleman of Greene.

The motion was lost: Yeas, 50; nays, 69.

#### YEAS.

Messrs. Banks,  
Bartlett,  
Beavers,  
Beddow,  
Blackwell,  
Boone,  
Brooks,  
Byars,  
Cardon,  
Case,  
Cofer,  
Davis (DeKalb),

Davis (Etowah),  
Duke,  
Foshee,  
Freeman,  
Gilmore,  
Greer (Calhoun),  
Haley,  
Harrison,  
Heflin (Chambers),  
Heflin (Randolph),  
Henderson,  
Hodges,

Howell,  
Jones, (Bibb),  
Long (Walker),  
Lowe (Jefferson),  
Lowe (Lawrence),  
McMillan (Baldwin),  
Martin,  
Moody,  
Murphree,  
Oates,  
O'Neill (Jefferson),  
Pearce,  
Pettus,

Phillips,  
Pillans,  
Porter,  
Rogers (Sumter),  
Sentell,  
Sloan,  
Spears,  
Spragins,  
Studdard,  
Waddell,  
White,  
Whiteside,  
Williams (Marengo)—50.

NAYS.

Messrs. President,  
Altman,  
Barefield,  
Bethune,  
Burns,  
Carnathon,  
Chapman,  
Cobb,  
Coleman (Greene),  
Coleman (Walker),  
Craig,  
Cunningham,  
deGraffenried,  
Eley,  
Eyster,  
Ferguson,  
Fletcher,  
Foster,  
Glover,  
Graham (Montgomery),  
Graham (Talladega),  
Grant,  
Grayson,  
Greer (Perry),  
Handley,

Hood,  
Howze,  
Inge,  
Jackson,  
Jones (Montgomery),  
Jones (Wilcox),  
Kirk,  
Knight,  
Kyle,  
Ledbetter,  
Lomax,  
Macdonald,  
McMillan (Wilcox),  
Malone,  
Merrill,  
Miller (Marengo),  
Miller (Wilcox),  
NeSmith,  
Norman  
O'Neal (Lauderdale),  
Opp,  
O'Rear,  
Palmer,  
Parker (Cullman),  
Reese,

Reynolds (Henry),  
 Rogers (Lowndes),  
 Samford,  
 Sanders,  
 Sanford,  
 Smith (Mobile),  
 Smith, Mac. A.,  
 Smith, Morgan M.  
 Sorrell,  
 Stewart,

Tayloe,  
 Walker,  
 Watts,  
 Weakley,  
 Weatherly,  
 Williams (Barbour),  
 Williams (Elmore),  
 Wilson (Washington),  
 Winn—69.

Mr. Coleman, of Greene, moved the previous question on the motion to reconsider the vote whereby the Article on Suffrage and Elections was adopted.

The motion prevailed: Yeas, 68; nays, 51.

#### YEAS.

Messrs. President,  
 Altman,  
 Ashcraft,  
 Barefield,  
 Bethune,  
 Burns,  
 Carnathon,  
 Chapman,  
 Cobb,  
 Coleman (Greene),  
 Coleman (Walker),  
 Craig,  
 Cunningham,  
 deGraffenried,  
 Eley,  
 Eyster,  
 Ferguson,  
 Fletcher,  
 Glover,  
 Graham (Montgomery),  
 Graham (Talladega),  
 Grant,  
 Grayson,

Greer (Perry),  
 Handley,  
 Hood,  
 Howze,  
 Inge,  
 Jackson,  
 Jones (Montgomery),  
 Jones (Wilcox),  
 Kirk,  
 Knight,  
 Ledbetter,  
 Lomax,  
 Macdonald,  
 McMillan (Wilcox),  
 Malone,  
 Merrill,  
 Miller (Marengo),  
 Miller (Wilcox),  
 NeSmith,  
 Norman,  
 O'Neal (Lauderdale),  
 Opp,  
 O'Rear,

Palmer,  
Parker (Cullman),  
Reese,  
Reynolds (Henry),  
Rogers (Lowndes),  
Samford,  
Sanders,  
Sanford,  
Smith (Mobile),  
Smith, Mac. A.,  
Smith, Morgan M.

Sorrell,  
Stewart,  
Tayloe,  
Walker,  
Watts,  
Weakley,  
Weatherly,  
Williams (Barbour),  
Williams (Elmore),  
Wilson (Washington),  
Winn—68

NAYS.

Messrs. Banks,  
Bartlett,  
Beavers,  
Beddow,  
Blackwell,  
Boone,  
Brooks,  
Byars,  
Cardon,  
Case,  
Cofer,  
Duke,  
Foshee,  
Foster,  
Freeman,  
Gilmore,  
Greer (Calhoun),  
Haley,  
Harrison,  
Heflin (Chambers),  
Heflin (Randolph),  
Henderson,  
Hodges,  
Howell,  
Jones (Bibb),  
Kyle,

Long (Walker),  
Lowe (Lawrence),  
McMillan (Baldwin),  
Martin,  
Moody,  
Murphree,  
Oates,  
O'Neill (Jefferson),  
Pearce,  
Pettus,  
Phillips,  
Pillans,  
Porter,  
Proctor,  
Rogers (Sumter),  
Selheimer,  
Sentell,  
Sloan,  
Spears,  
Spragins,  
Studdard,  
Waddell,  
White,  
Whiteside,  
Williams (Marengo)—51.

Mr. Coleman, of Greene, moved to reconsider the vote by which the amendment of Mr. Harrison was adopted.

The amendment by Mr. Harrison was read at length as follows:

Amend Section 181, second subdivision, by adding in line nine, after the word "property" and before the words "in this State" the words "or of real and personal property."

The motion to reconsider prevailed: Yeas, 66; nays, 55.

#### YEAS.

Messrs. President,	Jenkins,
Altman,	Jones (Montgomery),
Barefield,	Jones (Wilcox),
Bethune,	Kirk,
Burns,	Knight,
Carnathon,	Ledbetter,
Chapman,	Lomax,
Cobb,	Macdonald,
Coleman (Greene),	McMillan (Wilcox),
Coleman (Walker),	Malone,
Craig,	Merrill,
Cunningham,	Miller (Marengo),
Dent,	Miller (Wilcox),
deGraffenried,	NeSmith,
Eley,	Norman,
Eyster,	O'Neal (Lauderdale),
Fletcher,	Opp,
Glover,	O'Rear,
Graham (Montgomery),	Palmer,
Graham (Talladega),	Parker (Cullman),
Grant,	Reese,
Grayson,	Reynolds (Henry),
Greer (Perry),	Rogers (Lowndes),
Handley,	Sanders,
Hood,	Smith (Mobile),
Howze,	Smith, Mac. A.,
Inge,	Smith, Morgan M.
Jackson,	Sorrell,

Stewart,  
Tayloe,  
Walker,  
Watts,  
Weakley,

Weatherly,  
Williams (Barbour),  
Williams (Elmore),  
Wilson (Washington),  
Winn—66.

NAYS.

Messrs. Banks,  
Bartlett,  
Beavers,  
Beddow,  
Blackwell,  
Boone,  
Brooks,  
Byars,  
Cardon,  
Case,  
Cofer,  
Davis (DeKalb),  
Davis (Etowah),  
Duke,  
Foshee,  
Foster,  
Freeman,  
Gilmore,  
Greer (Calhoun),  
Haley,  
Harrison,  
Heflin (Chambers),  
Heflin (Randolph),  
Henderson,  
Hinson,  
Hodges,  
Howell,  
Jones (Bibb),

Kyle,  
Long (Walker),  
Lowe (Jefferson),  
Lowe (Lawrence),  
McMillan (Baldwin),  
Martin,  
Moody,  
Murphree,  
Oates,  
O'Neill, (Jefferson),  
Pearce,  
Pettus,  
Phillips,  
Pillans,  
Porter,  
Proctor,  
Rogers (Sumter),  
Selheimer,  
Sentell,  
Sloan,  
Spears,  
Spragins,  
Waddell,  
White,  
Whiteside,  
Williams (Marengo),  
Wilson (Clarke)—55.

On motion of Mr. Coleman, of Greene, the amendment of Mr. Harrison was laid upon the table.

The Article VIII was, on motion of Mr. Coleman of Greene, adopted.



Mr. deGraffenried moved to reconsider the vote by which the Article on Executive Department was adopted. The motion prevailed.

The article was referred to the Committee on Order, Consistency and Harmony of the Whole Constitution.

#### UNFINISHED BUSINESS.

The Convention proceeded to the consideration of the unfinished business, which was the report of the Committee on Order, Consistency and Harmony of the Whole Constitution.

The question recurred upon the adoption of the substitute offered by Mr. Sorrel for the amendment offered by Mr. White.

On motion of Mr. Cobb the amendment and substitute were laid upon the table.

Mr. Boone offered the following amendment to Article XII:

Amend the Article on Corporations by adding the following immediately after Section 227, page 68, as Section 228:

1. No city or town having a population of more than 6,000, shall have authority to grant to any person, firm, corporation or association, the right to use its streets, avenues, alleys or public places for the construction or operation of water works, gas works, telephone or telegraph lines, electric light or power plants, steam or other heating plants, street railroads, or other public utility, except railroads other than street railroads, for a longer period than thirty years.

And renumber the sections following.

Mr. Smith, of Mobile, moved to table the amendment offered by Mr. Boone.

The motion was lost.

The question recurred upon the adoption of the amendment offered by Mr. Boone.

The amendment was adopted.

Mr. Williams, of Marengo, offered the following amendment to Article XII:

Amend the fourth paragraph of the schedule by striking out the period at the end thereof, and inserting a

comma in lieu thereof, and by adding immediately thereafter the following: "And no elector shall be deprived of his right to vote at the election to be held for such purpose by reason of his not being registered."

On motion of Mr. Beddow the amendment was laid upon the table.

On motion of Mr. White Article XII, as amended, was adopted.

### ARTICLE XIII.

#### BANKS AND BANKING.

Was read at length as follows, and adopted:

### ARTICLE XIII.

#### BANKS AND BANKING.

246. The Legislature shall not have the power to establish or incorporate any bank or banking company or money institution for the purpose of issuing bills of credit or bills payable to order or bearer, except under the conditions prescribed in this Constitution.

247. No bank shall be established otherwise than under a general banking law nor otherwise than upon a specie basis; provided that any bank may be established with authority to issue bills to circulate as money in an amount equal to the face value of bonds of the United States or of this State, convertible into specie at their face value, which shall, before such bank is authorized to issue its bills for circulation, be deposited with the State Treasurer or other depository prescribed by law, in an amount equal to the aggregate of such proposed issue, with power in such treasurer or depository to dispose of any or all of such bonds for a sufficient amount of specie to redeem the circulating notes of such bank at any time and without delay, should such bank suspend specie payment or fail to redeem its notes on demand.

248. All bills or notes issued as money shall be at all times redeemable in gold or silver, and no law shall be passed sanctioning directly or indirectly, the

suspension by any bank or banking company of specie payment.

249. Holders of bank notes and depositors who have not stipulated for interest, shall, for such notes and deposits, be entitled in case of insolvency, to the preference of payment over all other creditors; provided, this section shall apply to all banks whether incorporated or not.

250. Every bank or banking company shall be required to cease all banking operations within twenty years from the time of its organization, unless the time be extended by law, and promptly thereafter close its business; but after it has closed its business it shall have corporate capacity to sue and shall be liable to suits until its affairs and liabilities are fully closed.

251. No bank shall receive, directly or indirectly, a greater rate of interest than shall be allowed by law to individuals for lending money.

252. Neither the State nor any political subdivision thereof shall be a stockholder in any bank, nor shall the credit of the State, or any political subdivision thereof, be given or lent to any banking company, association or corporation.

253. The Legislature shall, by appropriate laws, provide for the examination, by some public officer, of all banks and banking institutions and trust companies engaged in banking business in this State. And each of such banks and banking companies or institutions shall, through its president or such other officer as the Legislature may designate, make a report, under oath, of its resources and liabilities at least twice a year.

254. The provisions of this article shall apply to all banks except National banks, and to all trust companies and individuals doing a banking business, whether incorporated or not.

## ARTICLE XIV.

## EDUCATION.

Was read at length as follows:

## ARTICLE XIV.

## EDUCATION.

255. The Legislature shall establish, or organize and maintain a liberal system of public schools throughout the State for the benefit of the children thereof between the ages of 7 and 21 years. The public school fund shall be apportioned to the several counties in proportion to the number of school children of school age therein, and shall be so apportioned to the schools in the districts or townships in the county as to provide, as nearly as practicable, school terms of equal duration in such school districts or townships. Separate schools shall be provided for white and colored children and no child of either race shall be permitted to attend a school of the other race.

256. The principal of all funds arising from the sale or other disposition of lands or other property, which has been or may hereafter be granted or entrusted to this State or given by the United States for educational purposes, shall be preserved inviolate and undiminished; and the income arising therefrom shall be faithfully applied to the specific object of the original grants or appropriations.

257. All lands or other property given by individuals, or appropriated by the State for educational purposes, and all estates of deceased persons, who die without leaving a will or heir, shall be faithfully applied to the maintenance of the public schools.

258. All poll taxes collected in this State shall be applied to the support of the public schools in the respective counties where collected.

259. The income arising from the Sixteenth Section trust fund, the surplus revenue fund, until it is

called for by the United States government, and the funds enumerated in Sections 256 and 257 of this Constitution, together with a special annual tax of 30 cents on each \$100 of taxable property in this State, which the Legislature shall levy, shall be applied to the support and maintenance of the public schools, and it shall be the duty of the Legislature to increase the public school fund from time to time as the necessity therefor and the condition of the treasury and the resources of the State may justify. Provided, that nothing herein contained shall be so construed as to authorize the Legislature to levy in any one year a greater rate of State taxation for all purposes, including schools, than sixty-five cents on each \$100 worth of taxable property; and provided further, that nothing herein contained shall prevent the Legislature from first providing for the payment of the bonded indebtedness of the State, and interest thereon out of all of the revenues of the State.

260. Not more than 4 per cent. of all moneys raised or which may hereafter be appropriated for the support of public schools, shall be used or expended otherwise than for the payment of teachers employed in such schools; provided, that the Legislature may, by a vote of two-thirds of each House, suspend the operation of this section.

261. The supervision of the public schools of the State shall be vested in a Superintendent of Education, whose powers, duties and compensation shall be fixed by law.

262. No money raised for the support of the public schools shall be appropriated to or used for the support of any sectarian or denominational school.

263. The State University shall be under the management and contror of a board of trustees which shall consist of two members from the Congressional district in which the University is located, and one from each of the other Congressional districts in the State; and the Superintendent of Education and the Governor, who shall be ex-officio president of the board. The members of the Board of Trustees, as now constituted, shall hold office

until their respective terms expire under existing law, and until their successors shall be elected and confirmed as hereinafter required. Successors to those trustees whose terms expire in 1902 shall hold office until 1907; successors to those trustees whose terms expire in 1904 shall hold office until 1911; successors to those trustees whose terms expire in 1906 shall hold office until 1915; and thereafter their successors shall hold office for a term of 12 years. When the term of any member of such board shall expire, the remaining members of the board shall by secret ballot elect his successor; provided, that any trustee so elected shall hold office from the date of his election until his confirmation or rejection by the Senate, and, if confirmed, until the expiration of the term for which he was elected, and until his successor is elected. At every meeting of the Legislature the Superintendent of Education shall certify to the Senate the names of all who shall have been so elected since the last session of the Legislature, and the Senate shall confirm or reject them, as it shall determine is for the best interest of the University. If it reject the names of any members, it shall thereupon elect trustees in the stead of those rejected. In case of a vacancy on said board by death or resignation of a member, or from any cause other than the expiration of his term of office, the board shall elect his successor, who shall hold office until the next session of the Legislature. No trustee shall receive any pay or emolument other than his actual expenses incurred in the discharge of his duties as such.

264. After the ratification of this Constitution there shall be paid out of the treasury of this State at the time and in the manner provided by law, the sum of not less than thirty-six thousand dollars per annum as interest on the funds of the University of Alabama, heretofore covered into the treasury, for the maintenance and support of said institution; provided, that the Legislature shall have the power at any time they deem proper for the best interest of said University to abolish the military system at said institution, or reduce the said system to a department of instruction, and that such action on the part of the legislature shall not cause any diminu-

tion of the amount of the annual interest payable out of the treasury for the support and maintenance of said University.

265. The Alabama Polytechnic Institute, formerly called the Agricultural and Mechanical College, shall be under the management and control of a Board of Trustees, which shall consist of two members from the Congressional district in which the institute is located, and one from each of the other Congressional districts in the State, the State Superintendent of Education and the Governor, who shall be ex-officio president of the board. The trustees shall be appointed by the Governor, by and with the advice and consent of the Senate, and they shall hold office for a term of twelve years, and until their successors shall be appointed and qualified. The board shall be divided into three classes, as nearly equal as may be, so that one-third may be chosen quadriennially. Vacancies occurring in the office of trustees from death or resignation, and the vacancies regularly occurring in the year 1905 shall be filled by the Governor, and such appointee shall hold office until the next meeting of the Legislature. Successors to those trustees whose terms expire in 1903 shall hold office until 1911; successors to those whose terms expire in 1905 shall hold office until 1915; and successors to those whose terms expire in 1907 shall hold office until 1919. No trustee shall receive any pay or emolument other than his actual expenses incurred in the discharge of his duties as such.

266. The Legislature shall not have power to change the location of the State University, or the Alabama Polytechnic Institute, or the Alabama schools for the Deaf and Blind, or the Alabama Girls' Industrial school, as now established by law, except upon a vote of two-thirds of the Legislature taken by yeas and nays and entered upon the Journals.

267. The Legislature shall provide for taking a school census by townships and districts throughout the State not oftener than once in two years, and shall provide for the punishment of all persons or officers making false and fraudulent enumerations and re-

turns; provided, the State Superintendent of Education may order and supervise the taking of a new census in any township, district or county, whenever he may have reasonable cause to believe that false or fraudulent returns have been made.

268. The several counties in this State shall have power to levy and collect a special tax not exceeding 10 cents on each \$100 of taxable property in such counties, for the support of public schools; provided, that the rate of such tax, the time it is to continue, and the purpose thereof shall have been first submitted to a vote of the qualified electors of the county and voted for by three-fifths of those voting at such election; but the rate of such special tax shall not increase the rate of taxation, State and county combined, in any year, to more than \$1.25 on each \$100 of taxable property; excluding, however, all special county taxes for public buildings, roads, bridges and the payment of debts existing at the ratification of the Constitution of 1875. The funds arising from such special school tax shall be apportioned and paid through the proper school officials to the several schools in the townships and districts in the county that the school terms of the respective schools shall be extended by such supplement as nearly the same length of time as practicable; provided, that this section shall not apply to the cities of Decatur, New Decatur and Cullman.

269. The provisions of this article and of any act of the Legislature passed in pursuance thereof to establish, organize and maintain a system of public schools throughout the State, shall apply to Mobile county only so far as to authorize and require the authorities designated by law to draw the portions of the funds to which said county shall be entitled for school purposes, and to make reports to the Superintendent of Education as may be prescribed by law. And all special incomes and powers of taxation, as now authorized by law for the benefit of public schools in said county, shall remain undisturbed until otherwise provided by the Legislature; provided, that separate schools for each race shall always be maintained by said school authorities.



Mr. Case offered the following amendment to Article XIV:

Amend the report of the Committee on Education, on page 79, by striking out all the words after the conjunction "and" preceded by a semicolon in the twelfth line, up to the word "that," preceded by "provided" in the fourteenth line.

On motion of Mr. Graham, of Talladega, the amendment was laid upon the table.

Mr. Foster offered the following amendment to Article XIV, which was adopted:

Amend Section 268 in the Article on Education, on page, 79, by striking out all of section after the word "Cullman" on line 1 on said page.

Mr. Kyle offered the following amendment to Article XIV:

Amend Article XIV on Education by striking out Section 269.

On motion of Mr. Graham, of Talladega, the amendment was laid upon the table.

On motion of Mr. White Article XIV was adopted.

## ARTICLE XV.

### MILITIA.

Was read at length as follows, and adopted:

## ARTICLE XV.

### MILITIA.

270. The Legislature shall have the power to declare who shall constitute the militia of the State, and to provide for organizing, arming and disciplining the same; and the Legislature may provide for the organization of a State Naval Militia.

271. The Legislature, in providing for the organization, equipment and discipline of the militia, shall conform as nearly as practicable to the regulations for the government of the armies of the United States.

272. Each company and regiment shall elect its own company and regimental officers; but if any company or regiment shall neglect to elect such officers within the time prescribed by law, they may be appointed by the Governor.

273. Volunteer organizations of infantry, cavalry, and artillery and naval militia may be formed in such manner and under such restrictions and with such privileges as may be provided by law.

274. The militia and volunteer forces shall, in all cases, except treason, felony and breach of the peace, be privileged from arrest during their attendance at musters, parades and elections and in going to and returning from the same.

275. The Governor shall, with the advice and consent of the Senate, appoint all general officers, whose terms of office shall be for four years. The Governor, the generals and regimental and battalion commanders shall appoint their own staffs, as may be provided by law.

276. The Legislature shall provide for the safe keeping of the arms, ammunition and accoutrements, military records, banners and relics of the State.

277. The officers and men of the militia and volunteer forces shall not be entitled to or receive any pay, rations or emoluments when not in active service.

## ARTICLE XVI.

### OATH OF OFFICE.

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Was read at length as follows, and adopted:

## ARTICLE XVI.

### OATH OF OFFICE.

278. All members of the Legislature, and all officers, executive and judicial, before they enter upon the execution of the duties of their respective offices, shall take the following oath or affirmation:

"I, —————, solemnly swear (or affirm, as the case may be), that I will support the Constitution of the United States, and the Constitution of the State of Alabama, so long as I continue a citizen thereof; and that I will faithfully and honestly discharge the duties of the office upon which I am about to enter, to the best of my ability, so help me God."

This oath may be administered by the presiding officer of either House of the Legislature, or by any officer authorized by law to administer an oath.

#### REPORT OF STANDING COMMITTEES.

Mr. White, chairman of the Committee on Order, Consistency and Harmony of the Whole Constitution, submitted the following report, which was read at length as follows:

Report of the Committee on Order, Harmony and Consistency of the Constitution.

*Mr. President:*

Your committee to which was re-referred Article VII on Impeachments, respectfully report that they have examined the article and the amendments thereto, and find the same correct, and in proper form, except the two amendments to Section 173, which have been rewritten and incorporated in said section, which section as amended and rewritten has been incorporated into the article and is herewith returned to the Convention with the recommendation that it be adopted.

Respectfully submitted,

FRANK S. WHITE, *Chairman.*

#### ARTICLE VII.

##### IMPEACHMENTS.

The Governor Lieutenant Governor Attorney General, State Auditor, Secretary of State, State Treasurer, Superintendent of Education, Commissioner of Agriculture and Industries, and Justices of the Supreme Court may be removed from office for wilful neglect of duty, corruption in office, incompetency, or intemperance in the

use of intoxicating liquors or narcotics to such an extent, in view of the dignity of the office and importance of its duties, as unfits the officer for the discharge of such duties, or for any offense involving moral turpitude while in office, or committed under color thereof, or connected therewith, by the Senate sitting as a court of impeachment, under oath or affirmation on articles or charges preferred by the House of Representatives.

When the Governor or Lieutenant Governor is impeached, the Chief Justice, or if he be absent or disqualified, then one of the Associate Justices of the Supreme Court, to be selected by it, shall preside over the Senate when sitting as a court of impeachment.

If at any time when the Legislature is not in session a majority of all the members elected to the House of Representatives shall certify in writing to the Secretary of State their desire to meet, to consider the impeachment of the Governor, Lieutenant Governor, or other officers administering the office of Governor, it shall be the duty of the Secretary of State immediately to notify the Speaker of the House, who shall, within ten days after receipt of such notice, summon the members of the House by publication in some newspaper, published at the Capitol, to assemble at the Capitol on a day to be fixed by the Speaker, not later than fifteen days after the receipt of the notice to him from the Secretary of State, to consider the impeachment of the Governor, Lieutenant Governor, or other officer administering the office of Governor. If the House of Representatives prefer articles of impeachment, the Speaker of the House shall forthwith notify the Lieutenant Governor, unless he be the officer impeached, in which event he shall notify the Secretary of State, who shall summon, in the manner hereinabove provided for, the members of the Senate, to assemble at the Capitol on a day to be named in said summons, not later than ten days after receipt of the notice from the Speaker of the House, for the purpose of organizing as a court of impeachment, the Senate when then organized shall hear and try such articles of impeachment against the Governor, Lieutenant Governor or other officer exercising the powers of the office of Governor, as may be preferred by the House of Representatives.

The Chancellors, Judges of the Circuit Courts, Judges of the Probate Courts, and Judges of other courts from which an appeal may be taken directly to the Supreme Court, and Solicitors and Sheriffs, may be removed from office for any of the causes specified in the preceding section, or elsewhere in this Constitution, by the Supreme Court under such regulations as may be prescribed by law. The Legislature may provide for the impeachment or removal of other officers than those named in this article.

The Clerks of the Circuit or courts of like jurisdiction, of Criminal Courts, Tax Collectors, Tax Assessors, County Treasurers, County Superintendents of Education, Judges of inferior courts created under authority of Section 168 of this Constitution, Coroners, Justices of the Peace, Notaries Public, Constables, and all other county officers, Mayors, Intendants and all other officers of incorporated cities, and towns in this State, may be removed from office for any of the causes specified in Section 173 of this Constitution, by the Circuit or other courts of like jurisdiction, or a Criminal Court of the county in which such officers hold their offices under such regulations as may be prescribed by law; provided, that the right of trial by jury and appeal in such cases shall be secured.

The penalties in cases arising under the three preceding sections shall not extend beyond removal from office and disqualification from holding office, under the authority of this State, for the term for which the officer was elected or appointed, but the accused shall be liable to indictment and punishment as prescribed by law.

The report was concurred in, and the Article on Impeachments was adopted.

Mr. White, chairman of the Committee on Order, Consistency and Harmony of the Whole Constitution, also submitted the following report:

*Mr. President:*

Your committee to which was referred the Article on Suffrage and Elections, respectfully report that the amendments adopted by the Convention have been put in proper form, and are herewith returned to the Con-

vention with the recommendation that they be adopted as amended, and incorporated in said article.

Respectfully submitted,

FRANK S. WHITE, *Chairman.*

First, those who can read and write any article of the Constitution of the United States in the English language, and who are physically unable to work and those who can read and write any article of the Constitution of the United States in the English language and have worked or been regularly engaged in some lawful employment, business or occupation, trade or calling for the greater part of the twelve months next preceding the time they offer to register; and those who are unable to read and write if such disability is due solely to physical disability; or.

The report was concurred in, and Article VIII was adopted.

Mr. White, chairman of the Committee on Order, Consistency and Harmony of the Whole Constitution, also submitted the following report, which was concurred in:

*Mr. President:*

The Committee on Order, Consistency and Harmony of the Whole Constitution beg leave to report that the Article on the Executive Department submitted to this Committee has been reëxamined and Section 138 rewritten so as to incorporate in it in proper form the amendment passed this morning in reference to extending the terms of office of the present Sheriffs, and herewith return the section as rewritten, with the recommendation that the section as rewritten and the article as amended, be passed.

Respectfully submitted,

FRANK S. WHITE, *Chairman.*

Be it ordained that Section 138, on the Executive Department, be and the same is hereby amended so as to read as follows:

138. A Sheriff shall be elected in each county by the qualified electors thereof, who shall hold office for a term of four years, unless sooner removed, and he shall

be ineligible to such office as his own successor; provided, that the terms of all Sheriffs expiring in the year 1904 are hereby extended until the time of the expiration of the terms of the other executive officers of this State in the year 1907, unless sooner removed.

Whenever any prisoner is taken from jail, or from the custody of the Sheriff, or his deputy, and put to death, or suffers grievous bodily harm, owing to the neglect, connivance, cowardice or other grave fault of the Sheriff, such Sheriff may be impeached under Section 174 of this Constitution. If the Sheriff be impeached, and thereupon convicted, he shall not be eligible to hold any office in this State during the time for which he had been elected or appointed to serve as Sheriff.

## ARTICLE XVII.

### MISCELLANEOUS PROVISIONS.

Was read at length as follows:

## ARTICLE XVII.

### MISCELLANEOUS PROVISIONS.

279. No person holding an office of profit under the United States, except postmasters, whose annual salaries do not exceed \$200, shall, during his continuance in such office, hold any office of profit under this State; nor unless otherwise provided in this Constitution shall any person holding two offices of profit at one time under this State, except Justices of the Peace, Constables, Notaries Public, and Commissioners of Deeds.

280. The salary, fees or compensation of any officer holding any civil office of profit under this State or any county or municipality thereof, shall not be increased or diminished during the term for which he shall have been elected or appointed.

281. It is made the duty of the Legislature to enact all laws necessary to give effect to the provisions of this Constitution.

Mr. Beddow offered the following amendment to Article XVII:

Sec. — After the first day of January, 1904, the labor of convicts shall not be let out by contract to any person, copartnership, company or corporation, and the Legislature shall, by law, provide for the working of convicts for the benefit of the State and the various counties thereof.

On motion of Mr. deGraffenried the amendment was laid upon the table.

Mr. Beddow offered the following amendment to Article XVII:

Amend Article on Miscellaneous Provisions by adding a new section, as follows:

After January the first, 1904, no convict sentenced to hard labor for the county shall be let out by contract to any person, copartnership, company or corporation outside of the county in which conviction is had; nor shall any person convicted of a misdemeanor be worked in any coal, ore or other underground mine while serving sentence.

On motion of Mr. Jenkins the amendment was laid upon the table: Yeas, 56; nays, 55.

## YEAS.

Messrs. President,	Fletcher,
Altman,	Foshee,
Barefield,	Foster,
Bethune,	Glover,
Burns,	Grayson,
Carmichael (Colbert),	Greer (Calhoun),
Chapman,	Heflin (Chambers),
Cobb,	Hinson,
Coleman (Greene),	Inge,
Coleman (Walker),	Jenkins,
Davis (Etowah),	Kirk,
Dent,	Knight,
deGraffenried,	Kyle,
Eley,	Lomax,
Eyster,	McMillan (Baldwin),



Martin,  
Merrill,  
Miller (Marengo),  
Miller (Wilcox),  
Murphree,  
Norman,  
Opp,  
Palmer,  
Parker (Cullman),  
Phillips,  
Rogers (Sumter),  
Samford,  
Sanford,

Sentell,  
Smith (Mobile),  
Smith, Mac. A.,  
Spragins,  
Studdard,  
Tayloe,  
Waddell,  
Walker,  
Whiteside,  
Williams (Barbour),  
Williams (Marengo),  
Williams (Elmore),  
Wilson (Washington)—56.

## NAYS.

Messrs. Ashcraft,  
Banks,  
Bartlett,  
Beavers,  
Beddow,  
Blackwell,  
Boone,  
Byars,  
Cardon,  
Case,  
Cofer,  
Craig,  
Cunningham,  
Davis (DeKalb),  
Ferguson,  
Grant,  
Greer (Perry),  
Heffin (Randolph),  
Henderson,  
Hodges,  
Hood,  
Howell,  
Howze,  
Jackson,  
Jones (Bibb),

Jones (Montgomery),  
Jones (Wilcox),  
Ledbetter,  
Long (Walker),  
Lowe (Jefferson),  
Macdonald,  
McMillan (Wilcox),  
Malone,  
Moody,  
Mulkey,  
Oates,  
O'Neal (Lauderdale),  
O'Neill (Jefferson),  
O'Rear,  
Pearce,  
Pettus,  
Pillans,  
Porter,  
Proctor,  
Reese,  
Reynolds (Henry),  
Rogers (Lowndes),  
Sanders,  
Selheimer,  
Spears,

Stewart,  
Watts,  
Weakley,

White,  
Winn—55.

Article XVII was, on motion of Mr. White, adopted.

## ARTICLE XVIII.

### MODE OF AMENDING THE CONSTITUTION.

Was read at length as follows:

## ARTICLE XVIII.

### MODE OF AMENDING THE CONSTITUTION.

282. Amendments may be proposed to this Constitution by the Legislature in the manner following: The proposed amendments shall be read in the House in which they originate on three several days, and if upon the third reading three-fifths of all the members elected to that House shall vote in favor thereof the proposed amendments shall be sent to the other House, in which they shall likewise be read on three several days, and if upon the third reading, three-fifths of all the members elected to that House shall vote in favor of the proposed amendments, the Legislature shall order an election next succeeding the session of the Legislature at which the amendments are proposed or upon another day appointed by the Legislature not less than three months after adjournment of the session of the Legislature at which the amendments were proposed. Notice of such election, together with the proposed amendments shall be given by proclamation of the Governor, which shall be published in every county in such manner as the Legislature shall direct, for at least eight successive weeks next preceding the day appointed for such election. On the day so appointed an election shall be held for the vote of the qualified electors of the State upon the proposed amendments. If such election be held on the day of the general election, the officers of the general election shall

open a poll for the vote of the qualified electors on the proposed amendments; if it be held on a day other than that of a general election, officers for such election shall be appointed and the election shall be held in all things in accordance with the law governing general elections. In all elections upon such proposed amendments the votes cast thereat shall be canvassed, tabulated, and returns thereof made to the Secretary of State, and counted, in the same manner as in elections for Representatives to the Legislature, and if it shall thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendments voted in favor of the same, such amendments shall be valid to all intents and purposes as parts of this Constitution. The result of such election shall be made known by proclamation of the Governor. Representation in the Legislature shall be based upon population, and such basis of representation shall not be changed by constitutional amendment.

283. Upon the ballots used at all elections provided for in Sec. 282 of this Constitution, the substance or subject matter of each proposed amendment shall be so printed that the nature thereof shall be clearly indicated, following each proposed amendment on the ballot shall be printed the words "Yes" and immediately under that shall be printed the words "No." The choice of the elector shall be indicated by a cross mark opposite the word expressing his desire, and no amendment shall be adopted unless it receives the affirmative vote of a majority of all the qualified electors who voted at such election.

284. No convention shall hereafter be held for the purpose of altering or amending the Constitution of this State, unless after the Legislature, by a vote of a majority of all the members elected to each House, has passed an act or resolution calling a Convention for such purpose, the question of Convention or No Convention shall be first submitted to a vote of all the qualified electors of the State, and approved by a majority of those voting at such election. No act or resolution of the Legislature calling a convention for the purpose

of altering or amending the Constitution of this State shall be repealed except upon the vote of a majority of all the members elected to each House at the same session at which such act or resolution was passed; provided, nothing herein contained shall be construed as restricting the jurisdiction and power of the Convention when duly assembled in pursuance of this section, to establish such ordinances and to do and perform such things as to the Convention may seem necessary or proper for the purpose of altering, revising or amending the existing Constitution.

285. All votes of the Legislature upon proposed amendments to this Constitution, and upon bills or resolutions calling a Convention for the purpose of altering or amending the Constitution of this State shall be taken by yeas and nays and entered on the Journals. No act or resolution of the Legislature passed in accordance with the provisions of this article proposing amendments to this Constitution, or calling a convention for the purpose of altering or amending the Constitution of this State shall be submitted for the approval of the Governor, but shall be valid without his approval.

Mr. deGraffenried offered the following amendment to Article XVIII, which was adopted:

Amend Section 283, page 84, by inserting after the words "cross mark" in line six, the words "made by him or under his direction."

On motion of Mr. White Article XVIII was adopted as amended.

## ARTICLE —

### SCHEDULE.

In order that no injury or inconvenience may arise from the alterations and amendments made by this Constitution to the existing Constitution of this State, and to carry this Constitution into effect, it is hereby ordained and declared:

First—That all laws in force at the ratification of this Constitution and not inconsistent therewith, shall remain in full force, until altered or repealed by the Legislature; and all rights, actions, prosecutions, claims and contracts of the State, counties, individuals or bodies corporate, not inconsistent with this Constitution, shall continue to be valid as if this Constitution had not been ratified.

Second—That all bonds executed by or to any officer of this State, all recognizances, obligations and all other instruments executed to this State, or any subdivision or municipality thereof, before the ratification of this Constitution, and all fines, taxes, penalties and forfeitures due and owing to the State, or any subdivision, or municipality thereof; and all writs, suits, prosecutions, claims and causes of action, except as herein otherwise provided, shall continue and remain unaffected by the ratification of this Constitution. All indictments which have been found, or which may hereafter be found, for any crime or offense committed before the ratification of this Constitution, shall be proceeded upon in the same manner as if this Constitution had not been ratified.

Third—That all the executive and judicial officers, and all other officers in this State, who were elected at the elections held in this State on the first Monday in August, in the years 1898 and 1900, or who have been appointed since that time, and all members of the present General Assembly, and all who may hereafter be elected members of the present General Assembly, and all other officers holding office at the time of the ratification of this Constitution, except as otherwise provided in this Constitution, shall continue in office and exercise the duties thereof until their respective terms shall expire, as provided by the Constitution of 1875, or the laws of this State.

Fourth—This Constitution shall be submitted to the qualified electors of this State for ratification or rejection, as authorized and required by an act of the General Assembly of this State, entitled "an act to provide for holding a Convention to revise and amend the Constitution of this State," approved the 11th day of December, 1900.

Fifth—That instead of the publication as required by the act to provide for holding a convention to revise and amend the Constitution, approved December 11, 1900, the Governor of this State is hereby authorized to take such steps as will give general publicity and circulation to this Constitution in a manner as economical as practicable.

Sixth—The salaries of the Executive and Judicial and all other officers of this State who may be holding office at the time of the ratification of this Constitution, and the pay of the present members of the General Assembly, shall not be affected by the provisions of this Constitution.

Mr. Williams, of Barbour, offered the following amendment to paragraph 4 of the Schedule, which was adopted:

Amend the fourth paragraph of the Schedule by striking out the period at the end thereof, and inserting a comma in lieu thereof; and by adding immediately thereafter the following: "And no elector shall be deprived of his right to vote at the election to be held for such purpose by reason of his not being registered."

Mr. Craig offered the following amendment to Section 3 of the Schedule:

Amend Section 3 by adding to the end thereof the following words: "All laws and parts of laws inconsistent with this section are hereby repealed."

On motion of Mr. Beddow the amendment was laid upon the table.

Mr. Coleman, of Greene, offered the following amendment to Section 4 of the Schedule:

"That he be a qualified voter, or become such, as provided by existing law."

On motion of Mr. White the amendment was laid upon the table.

Mr. Sanford offered the following amendment to Section 5 of the Schedule:

Amend Section 5 by adding the following:

But such election upon the ratification of the Constitution shall not be held in less than thirty days from

the date of the proclamation of the Governor.

On motion of Mr. Barefield the amendment was laid upon the table.

Mr. Burns offered the following amendment to the Schedule:

Nothing in this Constitution shall be construed as enlarging or increasing the powers of any corporation; or of diminishing the authority of any railroad commission.

On motion of Mr. Williams of Barbour, the amendment was laid upon the table.

Mr. Boone offered the following amendment to Section 1 of the Schedule, which was adopted:

Amend Section 1 of Schedule by inserting in the sixth line, between the words "counties, individuals," the words "municipal corporations."

On motion the Schedule was adopted as amended.

#### ADOPTION OF THE CONSTITUTION.

On motion of Mr. Pillans the Constitution was adopted as a whole: Yeas, 98; nays, 10.

#### YEAS.

Messrs. President,	Davis (Etowah),
Altman,	Dent,
Ashcraft,	deGraffenried,
Barefield,	Duke,
Beavers,	Eley,
Bethune,	Eyster,
Blackwell,	Ferguson,
Boone,	Fletcher,
Burns,	Foster,
Cardon,	Graham (Montgomery),
Carmichael (Colbert),	Graham (Talladega).
Case,	Grant,
Chapman,	Grayson,
Cobb,	Greer (Calhoun),
Coleman (Greene),	Greer (Perry),
Coleman (Walker),	Haley,
Craig,	Heflin (Chambers),
Cunningham,	Heflin (Randolph),
Davis (DeKalb),	Henderson,

Hinson,  
Hodges,  
Hood,  
Howell,  
Howze,  
Inge,  
Jackson,  
Jenkins,  
Jones (Bibb),  
Jones (Montgomery),  
Jones (Wilcox),  
Kirk,  
Knight,  
Kyle,  
Ledbetter,  
Lomax,  
Long (Walker),  
Lowe (Jefferson),  
Macdonald,  
McMillan (Baldwin),  
McMillan (Wilcox),  
Malone,  
Martin,  
Merrill,  
Moody,  
Mulkey,  
Murphree,  
Norman,  
O'Neal (Lauderdale),  
O'Neill (Jefferson),  
Opp,

O'Rear,  
Palmer,  
Parker (Cullman),  
Pearce,  
Pettus,  
Pillans,  
Proctor,  
Reese,  
Reynolds (Henry),  
Rogers (Lowndes),  
Rogers (Sumter),  
Samford,  
Sanders,  
Selheimer,  
Sentell,  
Smith (Mobile),  
Smith, Mac. A.,  
Spragins,  
Stewart,  
Tayloe,  
Waddell,  
Walker,  
Watts,  
Weakley,  
Weatherly,  
Whiteside,  
Williams (Barbour),  
Williams (Marengo),  
Williams (Elmore),  
Winn—98.

NAYS.

Messrs. Bartlett,  
Beddow,  
Byars,  
Cofer,  
Foshee,

Phillips,  
Porter,  
Spears,  
Studdard,  
White—10.



## REGULAR ORDER.

The Convention proceeded to the consideration of the regular order, which was ordinance 459.

The ordinance 459 was read at length as follows, and adopted : Yeas, 91 ; nays, 0.

An ordinance to appropriate \$143.75 for the payment of C. B. Brown and the Alabama Printing Company for services performed for the State of Alabama for the use of the Constitutional Convention.

Section 1. Be it ordained by the people of Alabama in Convention assembled, That there be and is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, the sum of \$143.75 to be paid the Alabama Printing Company and C. B. Brown for services performed for the State of Alabama for use of this Convention as follows :

Sec. 2. The State Auditor is hereby directed to draw his warrant on the State Treasurer in favor of C. B. Brown for the sum of \$30 for typewriting done by him for the Committee on Order, Consistency and Harmony of the Whole Constitution, and he, said Auditor, is also directed to draw his warrant on the State Treasurer in favor of the Alabama Printing Company for the sum of \$113.75 for printing 300 copies of the report of said committee for the use of this Convention.

## YEAS.

Messrs. President,  
Altman,  
Ashcraft,  
Banks,  
Barefield,  
Bartlett,  
Beavers,  
Beddow,  
Bethune,  
Blackwell,  
Boone,  
Brooks,

Browne,  
Burns,  
Byars,  
Cardon,  
Carmichael (Colbert),  
Carnathon,  
Case,  
Chapman,  
Cobb,  
Coleman (Greene),  
Coleman (Walker),  
Craig,

Cunningham,  
Davis (DeKalb),  
Davis (Etowah),  
Dent,  
deGraffenried,  
Duke,  
Eyster,  
Ferguson,  
Fletcher,  
Foshee,  
Foster,  
Freeman,  
Gilmore,  
Glover,  
Graham (Montgomery),  
Grant,  
Grayson,  
Greer (Calhoun),  
Greer (Perry),  
Heflin (Chambers),  
Heflin (Randolph),  
Hodges,  
Hood,  
Howell,  
Howze,  
Inge,  
Jenkins,  
Jones (Bibb),  
Jones (Montgomery),  
Jones (Wilcox),  
Knight,  
Kyle,  
Ledbetter,  
Long (Walker),

Lowe (Lawrence),  
McMillan (Baldwin),  
McMillan (Wilcox),  
Malone,  
Martin,  
Merrill,  
Miller (Marengo),  
Miller (Wilcox),  
Moody,  
Murphree,  
O'Neal (Lauderdale),  
O'Neill, (Jefferson),  
Opp,  
O'Rear,  
Palmer,  
Parker (Cullman),  
Parker (Elmore),  
Pettus,  
Proctor,  
Reynolds (Henry),  
Rogers (Sumter),  
Samford,  
Sanders,  
Sollie,  
Spears,  
Spragins,  
Stewart,  
Waddell,  
Walker,  
White,  
Williams (Barbour),  
Williams (Marengo),  
Williams (Elmore)—91.

## ADJOURNMENT.

On motion of Mr. Blackwell the Convention adjourned until 12 o'clock m. Monday.

## EIGHTY-FIRST DAY.

## CONVENTION HALL.

Montgomery, Ala., Monday, September 2, 1901.

The Convention met pursuant to adjournment.

Prayer was offered by Rev. Mr. Bancroft of Wetumpka.

## ROLL CALL.

On a call of the roll of the Convention the following delegates answered to their names, which constitute a quorum :

Messrs. President,	Dent,
Altman,	deGraffenried,
Ashcraft,	Eyster,
Banks,	Espy,
Barefield,	Ferguson,
Bartlett,	Fitts,
Beavers,	Fletcher,
Beddow,	Foshee,
Bethune,	Foster,
Blackwell,	Freeman,
Boone,	Gilmore,
Brooks,	Glover,
Bulger,	Graham (Montgomery),
Burnett,	Graham (Talladega),
Burns,	Grant,
Byars,	Grayson,
Cardon,	Haley,
Carmichael (Colbert),	Harrison,
Carmichael (Coffee),	Heflin (Chambers),
Carnathon,	Heflin (Randolph),
Chapman,	Hinson,
Cobb,	Hood,
Cofer,	Howell,
Coleman (Walker),	Inge,
Craig,	Jackson,
Davis (DeKalb),	Jenkins,

Jones (Bibb),	Pettus,
Jones (Hale),	Phillips,
Jones (Montgomery),	Pillans,
Jones (Wilcox),	Pitts,
Kirk,	Porter,
Kirkland,	Reese,
Knight,	Renfro,
Kyle,	Reynolds (Chilton),
Ledbetter,	Robinson,
Leigh,	Rogers (Lowndes),
Locklin,	Rogers (Sumter),
Lomax,	Sanders,
Lowe (Jefferson),	Sanford,
Lowe (Lawrence),	Searcy,
Macdonald,	Selheimer,
McMillan (Baldwin),	Sentell,
McMillan (Wilcox),	Sloan,
Malone,	Smith (Mobile),
Martin,	Smith, Mac. A.,
Merrill,	Sollie,
Miller (Marengo),	Spears,
Miller (Wilcox),	Spragins,
Moody,	Stewart,
Mulkey,	Tayloe,
Murphree,	Thompson,
NeSmith,	Vaughan,
Norman,	Waddell,
Norwood,	Walker,
Oates,	Watts,
O'Neal (Lauderdale),	Weakley,
Opp,	Weatherly,
O'Rear,	Whiteside,
Palmer,	Williams (Barbour),
Parker (Cullman),	Williams (Marengo),
Parker (Elmore),	Wilson (Clarke),
Pearce,	Winn—125.

LEAVE OF ABSENCE

Was granted to Messrs. White, Reynolds of Henry, Coleman of Greene for to-day; Willett indefinitely on account of sickness.

## REPORT OF THE COMMITTEE ON THE JOURNAL.

The chairman of the Committee on the Journal submitted the following report, which was concurred in:

The Committee on the Journal beg leave to report that they have examined the Journal for the eightieth day of the Convention, and that the same is correct.

Respectfully submitted,

JOHN F. PROCTOR, *Chairman.*

## RECORD OF VOTE.

Mr. Espy arose and stated that he was away when the vote was taken on the adoption of the Constitution, and if he had been present he would have voted for its adoption.

## QUESTION OF PERSONAL PRIVILEGE.

Messrs. Case, Harrison, Craig and Burns arose to questions of personal privilege, and proceeded to state their questions of personal privilege.

## ORDINANCES ON FIRST READING.

The following ordinances were introduced, severally read one time at length, and referred to appropriate committees, as follows:

Ordinance 463, by Mr. Carmichael, of Colbert:

To provide for the payment of the Secretary of the Convention and his assistants for services to be rendered after the adjournment of the Convention.

Whereas, The Secretary will be unable to complete the clerical work of the Convention before adjournment;

Therefore, Be it ordained by the people of Alabama in Convention assembled, that the sum of \$200 or so much thereof as may be necessary be and the same is hereby appropriated to be paid to F. N. Julian, Secretary of the Convention, for compensation for services necessary to be rendered by him and his assistants after the adjourn-

ment of the Convention in completing the clerical work of the Convention.

Be it further ordained that the President of the Convention is hereby authorized after the adjournment of the Convention to certify the amount due to said Secretary to the State Auditor, who shall draw his warrant in favor of the said Secretary upon the State Treasurer for the amount so certified by the President.

The ordinance was referred to the Committee on Schedule, Printing and Incidental Expenses.

Ordinance 464, by Mr. Carmichael, of Colbert:

To make an appropriation for the compensation of Robert Chapman, for the enrollment of the proposed Constitution.

Be it ordained by the people of Alabama in Convention assembled, That the sum of \$100 be and the same is hereby appropriated to pay Robert Chapman for his services in enrolling the proposed new Constitution.

Be it further ordained, That the President of this Convention be and he is hereby authorized to certify the amount due said Robert Chapman to the Auditor, who shall draw his warrant upon the Treasurer in favor of the said Robert Chapman.

On motion of Mr. Carmichael of Colbert the rules were suspended and the above ordinance (464) was adopted: Yeas, 89; nays, 6.

YEAS.

Messrs. President,  
Altman,  
Ashcraft,  
Banks,  
Barefield,  
Beddow,  
Bethune,  
Blackwell,  
Boone,  
Brooks,  
Bulger,  
Burnett,  
Burns,

Byars,  
Cardon,  
Carmichael (Colbert),  
Carmichael (Coffee),  
Carnathon,  
Cobb,  
Coleman (Walker),  
Craig,  
Davis (DeKalb),  
Davis (Etowah),  
Dent,  
deGraffenried,

Eley,  
 Eyster,  
 Espy,  
 Fletcher,  
 Foshee,  
 Gilmore,  
 Glover,  
 Graham (Talladega),  
 Grayson,  
 Haley,  
 Harrison,  
 Heflin (Chambers),  
 Heflin (Randolph),  
 Hinson,  
 Hood,  
 Howell,  
 Inge,  
 Jenkins,  
 Jones, (Bibb),  
 Jones (Wilcox),  
 Knight,  
 Kyle,  
 Ledbetter,  
 Leigh,  
 Long (Walker),  
 Macdonald,  
 McMillan (Wilcox),  
 Malone,  
 Martin,  
 Merrill,  
 Miller (Marengo),  
 Miller (Wilcox),

Moody,  
 Murphree,  
 Norman,  
 Norwood,  
 O'Neal (Lauderdale),  
 Opp,  
 O'Rear,  
 Parker (Cullman),  
 Pearce,  
 Pettus,  
 Phillips,  
 Pitts,  
 Reese,  
 Renfro,  
 Robinson,  
 Rogers (Lowndes),  
 Sanders,  
 Sanford,  
 Searcy,  
 Sentell,  
 Smith (Mobile),  
 Spears,  
 Spragins,  
 Thompson,  
 Waddell,  
 Walker,  
 Weatherly,  
 Whiteside,  
 Williams (Barbour),  
 Williams (Marengo),  
 Wilson (Clarke),  
 Winn—89.

#### NAYS.

Messrs. Bartlett,  
 Cofer,  
 Freeman,

Porter,  
 Reynolds (Chilton),  
 Sloan—6.

## RESOLUTIONS ON FIRST READING.

The following resolutions were introduced, severally read one time at length, and referred to appropriate committees as follows:

Resolution 332, by Mr. Eyster :

Whereas, The people are desirous of seeing both the old and new Constitution for the purpose of comparison, and

Whereas, The principal cause of dissatisfaction in some parts of the State arises from a lack of knowledge of the difference between the two instruments, and as to which the people desire means of enlightenment ; and

Whereas, The cost of printing 100,000 copies would be only about 20 per cent. more than printing 50,000 copies,

Therefore, Be it resolved, That all resolutions passed by this Convention in regard to printing the new Constitution be and the same are hereby repealed.

Resolved further, That the President and Secretary be and they are hereby instructed to have printed for distribution 100,000 copies of the new and old Constitution, in parallel columns in addition to the publication provided for in the act calling this Convention. A sufficient sum of money not otherwise appropriated, is hereby appropriated to cover the cost of said printing, etc.

The resolution was referred to the Committee on Schedule, Printing and Incidental Expenses.

Resolution 333, by Mr. Oates :

Whereas, The prime object of calling this Convention was to elevate the electorate and secure honest elections ;

And whereas, It is rumored and predicted that ballot box stuffing and dishonest counting will be resorted to in order to secure the ratification of the Constitution now completed and about to be submitted to the people for ratification, and

Whereas, A belief on the part of any considerable number of our citizens, though erroneous, that its ratification by such means would cast a reflection upon the reform above referred to ; therefore

Resolved by the delegates of the people of the State in Convention assembled, That we recommend the election



officers of the State to use every means to secure an honest and fair election, and honest returns of all votes cast for and against the ratification of this Constitution :

Resolved, That the county officers whose duty it is to appoint inspectors and clerks of the election, to appoint at each polling place wherever practicable, one of the inspectors and one of the clerks who are opposed to the ratification, and who are white men and can read and write.

The resolution was referred to the Committee on Rules.

Resolution 334, by Mr. Cobb :

Resolved, That on to-morrow immediately after the reading of the Journal, the roll of the Convention of those who failed to answer to their names on the call for the adoption of the whole Constitution be called that those absent delegates may have opportunity to record their vote.

On motion of Mr. Cobb the rules were suspended and the above resolution (334) was adopted.

#### REPORT OF STANDING COMMITTEES.

Mr. Heflin, of Randolph, chairman of the Committee on Schedule, Printing and Incidental Expenses, called up for adoption report No. 34 :

The report was read at length as follows :

*Mr. President :*

The Committee on Schedule, Printing and Incidental Expenses has instructed me to make the following partial report, viz :

The committee has audited the accounts hereto attached, and finds that the State of Alabama is charged by parties named in this report the amounts set opposite their names, for articles furnished said State for use of Constitutional Convention, all of said accounts are itemized, as shown by bills hereto attached.

We find said State of Alabama charged by D. F. Gorie of Montgomery, Ala., \$22.50.

We find said State charged by Jos. S. Wing of Montgomery, Ala., \$12.00.

We find said State charged by Tennille Furniture Co., of Montgomery, Ala., \$44.70.

We find said State charged by B. Wolff of Montgomery, Ala., \$12.75.

We find said State charged by John L. Cobbs & Co., of Montgomery, Ala., \$29.15.

We find said State charged by Wolf & Loeb, of Montgomery, Ala., \$28.50.

We find said State charged by Ellis & Gay, of Montgomery, Ala., \$18.00.

Your committee has carefully examined each account, and after a careful examination of each item named in said account, have come to the conclusion that many of the charges are excessive, and we recommend that the following named parties or firms be paid the following amounts:

D. F. Gorrie, \$17.50.

Joseph S. Wing, \$28.50.

Tennille Furniture Company, \$12.00.

B. Wolff, \$11.00.

John L. Cobbs & Co., \$20.00.

Wolff & Loeb, \$25.00.

Ellis & Gay, \$10.00.

Miss Mamie Offutt, \$8.00.

All of which is respectfully submitted,

JOHN T. HEFLIN,

Chairman Committee on Schedule, Printing and Incidental Expenses.

Mr. Heflin, of Randolph, chairman of the committee, offered the following amendment to the report:

Amend the report of the committee by inserting the following: "John L. Cobb & Co., \$29.15," in lieu of "John L. Cobb & Co., \$20.00; Ellis & Gray, \$18.00 in lieu of Ellis & Gray, \$10.00."

Mr. deGraffenried offered the following amendment to the amendment offered by Mr. Heflin of Randolph:

Amend the report by striking from the report all of the report after the figures "\$8.00" and insert in lieu thereof the following: "It is recommended that the above amounts be paid."

On motion of Mr. Heflin of Randolph the amendment offered by Mr. deGraffenried was laid upon the table.

The amendment offered by Mr. Heflin of Randolph was adopted.

Mr. O'Neal of Lauderdale moved to table the report as amended.

The motion was lost.

The question recurred upon the adoption of the report as amended.

The report as amended was adopted: Yeas, 82; nays, 22.

#### YEAS.

<b>Messrs. President,</b>	Graham (Talladega),
Altman,	Grant,
Ashcraft,	Haley,
Barefield,	Harrison,
Beavers,	Heflin (Chambers),
Beddow,	Heflin (Randolph),
Bethune,	Hinson,
Brooks,	Inge,
Bulger,	Jackson,
Burnett,	Jenkins,
Burns,	Jones (Bibb),
Byars,	Jones (Wilcox),
Cardon,	Kirkland,
Carmichael (Colbert),	Knight,
Carmichael (Coffee),	Leigh,
Carnathon,	Lomax,
Cofer,	Lowe (Lawrence),
Coleman (Walker),	McMillan (Baldwin),
Davis (DeKalb),	Merrill,
Davis (Etowah),	Miller (Wilcox),
Dent,	Murphree,
Eley,	Norwood,
Eyster,	Oates,
Fitts,	O'Neal (Lauderdale),
Fletcher,	Opp,
Foshee,	O'Rear,
Freeman,	Parker (Cullman),
Glover,	Parker (Elmore),

Pearce,  
 Pettus,  
 Phillips,  
 Pillans,  
 Pitts,  
 Porter,  
 Renfro,  
 Reynolds (Chilton),  
 Robinson,  
 Rogers (Lowndes),  
 Sanders,  
 Sloan,  
 Smith (Mobile),

Smith, Mac. A.,  
 Spears,  
 Spragins,  
 Stewart,  
 Studdard,  
 Tayloe,  
 Thompson,  
 Vaughan,  
 Walker,  
 Weakley,  
 Weatherly,  
 Whiteside,  
 Wilson (Clarke)—82.

## NAYS.

Messrs. Banks,  
 Bartlett,  
 Blackwell,  
 Chapman,  
 Cobb,  
 deGraffenried,  
 Gilmore,  
 Graham (Montgomery),  
 Grayson,  
 Hood,  
 Ledbetter,

Long (Walker),  
 Macdonald,  
 McMillan (Wilcox),  
 Martin,  
 Miller (Marengo),  
 Mulkey,  
 NeSmith,  
 Rogers (Sumter),  
 Sanford,  
 Sollie,  
 Williams Barbour)—22.

Mr. Spraggins, acting chairman of the Committee on Order, Consistency and Harmony of the Whole Constitution, submitted the following report, which was concurred in:

*Mr. President:*

The Committee on Order, Consistency and Harmony of the Whole Constitution beg leave to report that ordinance No. 412, as to funding the bonded indebtedness of the State is in the hands of a subcommittee to be rewritten, and that it will not be ready to be reported to the Convention at the morning session.

Your committee beg leave further to say that the St. Clair and Shelby county ordinance is in the hands of the

Engrossing and Enrolling clerk, and your committee is unable to report back that ordinance at this session.

Your committee further reports at the instance and request of the Enrolling Committee that the original parchment draft of the whole Constitution will not be ready to be submitted to the Convention until 9 o'clock to-morrow morning.

ROBERT E. SPRAGINS, *Acting Chairman.*

#### RECESS.

The hour of 1 o'clock having arrived, under the rules the Convention recessed until 3:30 this afternoon.

#### AFTERNOON SESSION.

The Convention met pursuant to adjournment.

#### ROLL CALL.

On a call of the roll of the Convention the following delegates answered to their names, which constituted a quorum:

Messrs. President,	Chapman,
Altman,	Cobb,
Banks,	Coleman (Walker),
Barefield,	Craig,
Bartlett,	Davis (Etowah),
Beavers,	Dent,
Beddow,	deGraffenried,
Blackwell,	Eley,
Boone,	Eyster,
Brooks,	Espy,
Bulger,	Fitts,
Burns,	Fletcher,
Byars,	Foster,
Carmichael (Colbert),	Freeman,
Carmichael (Coffee),	Gilmore,
Carnathon,	Glover,
Case,	Graham (Talladega),

Grayson,  
Haley,  
Harrison,  
Heflin (Randolph),  
Hinson,  
Hood  
Howze,  
Inge,  
Jenkins,  
Jones (Bibb),  
Jones (Wilcox),  
Kirk.  
Kirkland,  
Knight,  
Kyle,  
Ledbetter,  
Leigh,  
Long (Walker),  
Lowe (Lawrence),  
McMillan (Baldwin),  
McMillan (Wilcox),  
Malone,  
Martin,  
Merrill,  
Miller (Marengo),  
Murphree,  
Norman,  
Norwood,  
NeSmith,  
Norman,  
Oates,  
O'Rear,

Palmer,  
Parker (Cullman),  
Parker (Elmore),  
Pettus,  
Phillips,  
Pillans,  
Pitts,  
Porter,  
Reese,  
Renfro,  
Reynolds (Chilton),  
Rogers (Lowndes),  
Sanders,  
Selheimer,  
Smith (Mobile),  
Smith, Mac. A.,  
Spears,  
Spragins,  
Stewart,  
Tayloe,  
Thompson,  
Vaughan,  
Waddell,  
Walker,  
Watts,  
Weakley,  
Weatherly,  
Whiteside,  
Williams (Marengo),  
Wilson (Clarke),  
Winn—96.

REPORT OF THE COMMITTEE ON ORDER, CONSISTENCY AND  
HARMONY OF THE WHOLE CONSTITUTION.

Mr. Spragins, acting chairman of the Committee on Order, Consistency and Harmony of the Whole Constitution, offered the following amendment to constitute a new section to the Article on Miscellaneous Provisions, which was adopted by unanimous consent:

The amendment was read at length as follows:

Sec. 283. The act of the General Assembly of Alabama entitled "An act to consolidate and adjust the bonded debt of the State of Alabama," approved Feb. 18, 1895, and an act amendatory thereof entitled "An act to amend Section 6 of an act to consolidate and adjust the bonded debt of the State of Alabama, approved Feb. 18, 1895," which said last named act was approved Feb. 16, 1899, are hereby made valid, and both of said acts shall have the full force and effect of law, except in so far as they authorize the redemption before maturity of the bonds authorized by said acts to be issued. The Governor is authorized and empowered to act under the same and to carry out all of the provisions thereof; provided, that the bonds authorized to be issued by said acts and issued thereunder may be made payable at any time, not exceeding fifty years from the date thereof, and shall not be redeemable until their maturity.

#### REPORT OF STANDING COMMITTEES.

Mr. Smith, of Mobile, acting chairman of the Committee on Rules, reported favorably resolution 230, which was read at length as follows, and adopted:

Resolution 230, by Mr. Harrison:

Resolved, That the Secretary of this Convention be and he is hereby instructed to deposit report and index of the Convention in the libraries of the following institutions in this State, to-wit: One at the University of Alabama, one at the Alabama Polytechnic Institute, one at the Southern University, one at Howard College, one at Spring Hill College, and one at the Normal College at Florence; and the Girls' Industrial School at Montevallo, and also at the Normal College at Troy.

Mr. Smith, of Mobile, chairman of the Committee on Judiciary, reported adversely ordinance 460, which was laid upon the table.

Mr. Spragins, acting chairman of the Committee on Order, Consistency and Harmony of the Constitution, submitted the following amendment, which was adopted by unanimous consent:

The amendment was read at length as follows:

The Committee on Order, Consistency and Harmony of the Constitution recommend that ordinance 390 heretofore adopted by this Convention be amended as follows:

Strike from the last line on page 1 and the first line on page 2 of said ordinance the following words: "That portion of said St. Clair county which lies south and southeast of Back Bone Mountain," and insert where said words occur, the following: "The above mentioned precincts of St. Clair county." Also strike from the fourth and fifth line from the bottom of the third page of said ordinance the following words: "Court house or." Also strike from said ordinance the following figures: "8, 9 and 13," wherever they occur in said ordinance as relating to Shelby county. Also strike from the seventh, eighth and ninth lines, page 2, the following words: "that part of St. Clair county which lies north and northwest of said Back Bone Mountain," and insert in lieu thereof the following: "Said St. Clair county outside of the above named beats."

ROBERT E. SPRAGINS, *Acting Chairman.*

Mr. Spragins, acting chairman of the Committee on Order, Consistency and Harmony of the Whole Constitution, also submitted the following report, which was concurred in:

*Mr. President:*

The Committee on Order, Consistency and Harmony herewith return ordinance 412, to which the same as engrossed was referred, with the recommendation that the same be amended as indicated by this committee. The ordinance as recommended to be amended is hereto attached and made a part of this report.

ROBERT E. SPRAGINS, *Acting Chairman.*

Ordinance 412:

An ordinance relating to the bonded indebtedness of the State.

Be it ordained by the people of the State of Alabama in Convention assembled:



Section 1. That an act of the General Assembly of Alabama entitled "An act to consolidate and adjust the bonded debt of the State of Alabama," approved February 18th, 1895, and an act amendatory thereto entitled "An act to amend Section 6 of an act to consolidate and adjust the bonded debt of the State of Alabama," approved February 18, 1895, which said last named act was approved February 16, 1899, be and the same are hereby made valid, and both of said acts shall have the full force and effect of law. The Governor is authorized and empowered to act under the same and to carry out the provisions thereof, provided that the bonds mentioned in said act and issued thereunder may be made payable at any time, not exceeding fifty years from the date thereof, and shall not be redeemable until their maturity.

Sec. 2. Be it further ordained that this ordinance shall take effect from and after its passage.

#### RECONSIDERATION.

Mr. Gilmore moved to reconsider the vote whereby the report of the Committee on Schedule, Printing and Incidental Expenses was adopted on yesterday, and moved that the rules be suspended in order that the motion might be considered at once.

The motion to suspend the rules was lost, and the motion to reconsider goes over until to-morrow.

#### REPORT OF THE COMMITTEE ON SCHEDULE, PRINTING AND INCIDENTAL EXPENSES.

Mr. Heflin, of Randolph, chairman of the Committee on Schedule, Printing and Incidental Expenses, submitted the following report, which was laid upon the table, to be considered to-morrow:

*Mr. President:*

The Committee on Schedule, Printing and Incidental Expenses has instructed me to make this, our final, report:

The committee has carefully considered all ordinances, resolutions, accounts and petitions which were referred to said committee, most of said accounts were allowed, some were scaled, and few were not allowed. We herewith return to the Convention all ordinances, resolutions, petitions, etc., that were referred to said committee.

The committee has audited the accounts hereto attached, and finds that the State of Alabama is indebted to Marshall & Bruce, of Nashville, Tenn., in the sum of \$7.00.

We find that said State is indebted to the Brown Printing Co., of Montgomery, Ala., in the sum of \$207.50.

We find that said State is indebted to the Ed. C. Fowler Co., of Montgomery, Ala., in the sum of \$64.40.

We find that said State is indebted to the Montgomery Advertiser, of Montgomery, Ala., in the sum of \$.75.

We find that said State is indebted to Robert Hasson, doorkeeper, in the sum of \$6.10.

We find the said State is indebted to Jos. S. Wing, of Montgomery, Ala., in the sum of \$6.70.

All of the above amounts are for printing done, and for articles furnished the State of Alabama for use of the Constitutional Convention, and all of the above accounts are itemized as shown by bills hereto attached. Total amount \$292.45, and we recommend the payment of the same, all of which is respectfully submitted,

JOHN T. HEFLIN, *Chairman.*

Mr. Heflin, of Randolph, also reported favorably resolution 301, with an amendment.

The resolution was read at length as follows:

Resolution 301, by Mr. Rogers, of Lowndes:

Resolved, That after this Convention has adopted this Constitution that 5,000 copies of it be printed in pamphlet form, for distribution throughout the State, and that six copies be sent to each member by the Secretary of the Convention; that the Committee on Printing be instructed to contract for the printing and distribution of the same, and report to the Convention the cost of the same.

The amendment was read at length as follows:

Amend resolution by inserting 50,000 in lieu of 5,000, and insert 200 in lieu of six.

Mr. Eyster offered the following substitute for the resolution and amendment:

Whereas, the people are desirous of seeing both the old and new Constitution for the purpose of comparison; and

Whereas, The principal cause of dissatisfaction in some parts of the State arises from a lack of knowledge of the differences between the two instruments, and as to which the people desire means of enlightenment, and

Whereas, The cost of printing 100,000 copies would be only about 20 per cent. more than printing 50,000 copies;

Therefore, be it resolved, That all resolutions heretofore passed by this Convention in regard to printing the new Constitution be and the same are hereby repealed;

Resolved further, That the President and Secretary be and they are hereby instructed to have printed for distribution 100,000 copies of the new and the old Constitution, in parallel columns, in addition to the publication provided for in the act calling this Convention. A sufficient sum of money not otherwise appropriated, is hereby appropriated to cover the cost of said printing, etc.

On motion of Mr. Heflin of Randolph, the substitute offered by Mr. Eyster was laid upon the table.

On motion of Mr. Rogers of Sumter the resolution and amendment were laid upon the table.

#### PRIVILEGES OF THE FLOOR.

On motion the privileges of the floor were extended to Hons. L. P. Troup and John W. Inzer.

#### ADJOURNMENT.

On motion of Mr. Barefield the Convention adjourned until 9 o'clock to-morrow morning.

EIGHTY-SECOND DAY.

CONVENTION HALL.

Montgomery, Ala., Tuesday, September 3, 1901.

The Convention met pursuant to adjournment.

Prayer was offered by Rev. Mr. Marshal of the city.

ROLL CALL.

On a call of the roll of the Convention the following delegates answered to their names, which constituted a quorum:

Messrs. President,	Coleman (Walker),
Almon,	Craig,
Altman,	Cunningham,
Ashcraft,	Davis (DeKalb),
Banks,	Davis (Etowah),
Barefield,	Dent,
Bartlett,	deGraffenried,
Beavers,	Duke,
Beddow,	Eley,
Bethune,	Eyster,
Blackwell,	Espy,
Boone,	Ferguscn,
Brooks,	Fitts,
Browne,	Fletcher,
Bulger,	Foshee,
Burnett,	Foster,
Burns,	Freeman,
Byars,	Gilmore,
Cardon,	Glover,
Carmichael (Colbert),	Graham (Montgomery),
Carmichael (Coffee),	Graham (Talladega),
Carnathon,	Grayson,
Case,	Greer (Calhoun),
Chapman,	Greer (Perry),
Cobb,	Haley,
Cofer,	Handley,
Coleman (Greene),	Harrison,

Heflin (Chambers),  
Heflin (Randolph),  
Henderson,  
Hinson,  
Hodges,  
Hood,  
Howell,  
Howze,  
Inge,  
Jackson,  
Jenkins,  
Jones, (Bibb),  
Jones (Hale),  
Jones (Montgomery),  
Jones (Wilcox),  
Kirk,  
Kirkland,  
Knight,  
Kyle,  
Ledbetter,  
Leigh,  
Lomax,  
Long (Walker),  
Lowe (Jefferson),  
Lowe (Lawrence),  
Macdonald,  
McMillan (Baldwin),  
McMillan (Wilcox),  
Malone,  
Martin,  
Maxwell,  
Merrill,  
Miller (Marengo),  
Miller (Wilcox),  
Moody,  
Mulkey,  
Murphree,  
NeSmith,  
Norman,  
Norwood,  
Oates,

O'Neal (Lauderdale),  
O'Neill (Jefferson),  
Opp,  
O'Rear,  
Palmer,  
Parker (Cullman),  
Parker (Elmore),  
Pearce,  
Pettus,  
Phillips,  
Pillans,  
Pitts,  
Porter,  
Proctor,  
Reese,  
Renfro,  
Reynolds (Chilton),  
Reynolds (Henry),  
Robinson,  
Rogers (Lowndes),  
Rogers (Sumter),  
Samford,  
Sanders,  
Sanford,  
Searcy,  
Selheimer,  
Sentell,  
Sloan,  
Smith (Mobile),  
Smith, Mac. A.,  
Smith, Morgan M.,  
Sollie,  
Sorrell,  
Spears,  
Spragins,  
Stewart,  
Studdard,  
Tayloe,  
Thompson,  
Vaughan,  
Waddell,

Walker,  
Watts,  
Weakley,  
Weatherly,  
White,  
Whiteside,

Williams (Barbour),  
Williams (Marengo),  
Wilson (Clarke),  
Wilson (Washington),  
Winn—147.

#### REPORT OF THE COMMITTEE ON THE JOURNAL.

The chairman of the Committee on the Journal submitted the following report, which was concurred in:

The Committee on the Journal beg leave to report that they have examined the Journal for the eighty-first day of the Convention, and that the same is correct.

Respectfully submitted,

MASSEY WILSON, *Acting Chairman.*

#### RECONSIDERATION.

Mr. Gilmore moved to reconsider the vote whereby the report of the Committee on Schedule, Printing and Incidental Expenses was adopted on yesterday.

Mr. Heflin of Randolph moved to table the motion of Mr. Gilmore.

The motion prevailed, and the motion to reconsider was laid upon the table.

#### STENOGRAPHIC REPORT.

Mr. Oates called the attention of the Convention to certain errors in the stenographic report of the proceedings of yesterday.

The report was ordered corrected.

#### RESOLUTIONS.

The following resolutions were introduced, the rules suspended, and the resolutions were adopted:

Resolution 335, by Mr. Sanford:

Resolved, That when the enrolled copy of the Constitution is ready for signature, the clerk shall call the roll of the members, who shall sign the Constitution in alphabetical order.

Resolution 336, by Mr. Weatherly:

Whereas, The Hon. John B. Knox has presided over the deliberations of this body with untiring zeal, with un-failing courtesy, and conspicuous ability; and

Whereas, Both as President and member of this Convention he has, by wise counsel, and the application of statesmanlike qualities to the work of the Convention, most effectively aided in the attainment of the object for which the Convention was called;

Therefore, resolved, That the thanks of this Convention and the delegates thereof and of the people of Alabama are hereby tendered to the Hon. John B. Knox for his distinguishd services to the people of Alabama as President and member of the Convention;

Resolved further, That this resolution be spread upon the Journal, and that a specially engrossed copy of the same be prepared by the enrolling clerk and be presented to Mr. Knox, as a memorial of the high esteem in which he is held by the delegates of this Convention.

Resolution 337, by Mr. Waddell:

Resolved, by the Constitutional Convention of the State of Alabama, That the thanks of this Convention be and the same are hereby tendered to the clerical force of this Convention for their prompt and efficient discharge of all duties incumbent upon them;

Resolved further, That this resolution be spread upon the Journal of this Convention.

Resolution 338, by Mr. Lomax:

Resolved, That the thanks of this Convention are due and are hereby tendered to the official stenographer and the associate stenographers for the accurate reports of the daily proceedings of the Convention, and for their uniform courtesy and kindness they have exhibited toward each and every member of the Convention.

Resolution 339, by Mr. Howell:

Resolved, That the sincere thanks of this Convention are due and are hereby tendered to the ministers of the city for their faithful attendance and conducting religious services at the opening of the daily sessions of this Convention, and that we will carry to our homes the kindest memories of their devout prayers daily of-

ferred up to the Great Dispenser of all blessings in our behalf.

Resolution 340, by Mr. Rogers of Lowndes:

Resolved, That the Secretary of this Convention be instructed to mail four copies of the stenographic report of this day's proceedings of the Convention to each member of this body.

Resolution 341, by Mr. Watts:

Be it resolved, That the thanks of this Convention are due and are hereby tendered to the ladies of the White House Association for their attendance at all times with something to the inner man upon the sittings of the Convention, for having always ready that greatest comfort to man—the cigar; and most of all, for the unvarying sweetness, kindness and womanly conduct which has marked their course.

Resolved second, That a copy hereof be spread upon the minutes of this Convention and a copy sent to the Secretary of this Convention to the President of the White House Association.

Resolution 342, by Mr. Greer, of Calhoun:

Resolved, That the thanks of this Convention are hereby tendered to the doorkeeper and to the pages of this Convention for their efficient services during the long and arduous sessions of this Convention.

Resolution 343, by Mr. Pettus:

Whereas, The Hon. W. F. Herbert, assistant secretary of this Convention, has, by his courteous conduct and the conscientious discharge of his duties, won the esteem of every delegate on the floor; and

Whereas, He is entitled to the thanks of this Convention for his faithful services; therefore be it

Resolved, that this Convention recognizes in the Hon. W. F. Herbert, assistant secretary, a faithful and conscientious official, and the thanks of this Convention be and the same are hereby tendered him for his efficient services.

Resolution 344, by Mr. Harrison:

Whereas, A number of the delegates to this Convention are unavoidably absent to-day and desire to sign the Constitution as adopted; therefore be it



Resolved, That the Secretary of the Convention be authorized and instructed to allow any delegate who so desires to sign the same at any time within ten days after adjournment.

#### SPECIAL ORDER.

Under the resolution adopted on yesterday, the Convention proceeded to the consideration of the special order, which was the calling of the names of the delegates absent and not voting on the adoption of the Constitution on last Saturday.

The following delegates voted aye:

#### YEAS.

Messrs. Almon,	Maxwell,
Banks,	Merrill,
Beddow,	NeSmith,
Brooks,	Norwood,
Browne,	Oates,
Bulger,	Parker (Elmore),
Burnett,	Pitts,
Carmichael (Coffee),	Renfro,
Carnathon,	Robinson,
Espy,	Sanford,
Fitts,	Searcy,
Gilmore,	Smith, Morgan M.,
Glover,	Sollie,
Handley,	Sorrell,
Harrison,	Thompson,
Jones (Hale),	Vaughan,
Kirkland,	Weatherly,
Leigh,	Wilson (Clarke),
Lowe (Lawrence),	Wilson (Washington)—38.

The following delegates voted nay:

Messrs. Freeman,	Sloan—3.
Reynolds (Chilton),	

#### CHANGE OF VOTE.

By unanimous consent Mr. Beddow was allowed to change his vote on the adoption of the Constitution from nay to aye.

## PRIVILEGES OF THE FLOOR.

On motion of Mr. Barefield the privileges of the floor were extended to the State Democratic Executive Committee.

## ORDINANCE.

Mr. Fitts introduced the following ordinance. The rules were suspended and the ordinance was adopted: Yeas, 125; nays, 0.

Ordinance 465, by Mr. Fitts:

Be it ordained by the people of Alabama in Convention assembled, That there is hereby set aside and appropriated out of the money in the State Treasury not otherwise appropriated, the sum of \$1,000, to be used and expended by the Governor or under his direction in giving publicity to the Constitution in order that the people may intelligently pass upon the ratification of the same.

## YEAS.

Messrs. President,	Carnathon,
Altman,	Case,
Ashcraft,	Chapman,
Banks,	Cobb,
Barefield,	Coleman (Greene),
Beavers,	Cunningham,
Beddow,	Davis (DeKalb),
Blackwell,	Davis (Etowah),
Boone,	Dent,
Brooks,	deGraffenried,
Browne,	Duke,
Bulger,	Eley,
Burnett,	Evster,
Burns,	Espy,
Bvars,	Ferguson,
Cardon,	Fitts,
Carmichael (Colbert),	Fletcher,
Carmichael (Coffee),	Foshee,

Foster,	Murphree,
Gilmore,	NeSmith,
Glover,	Norwood,
Graham (Montgomery),	Oates,
Graham (Talladega),	O'Neal (Lauderdale),
Grayson,	Opp,
Greer (Calhoun),	O'Rear,
Greer (Perry),	Parker (Cullman),
Haley,	Parker (Elmore),
Handley,	Pearce,
Harrison,	Pettus,
Heflin (Chambers),	Pilians,
Heflin (Randolph),	Pitts,
Henderson,	Porter,
Hinson,	Renfro,
Hodges,	Reynolds (Chilton),
Howell,	Reynolds (Henry),
Inge,	Robinson,
Jackson,	Rogers (Lowndes),
Jenkins,	Rogers (Sumter),
Jones (Bibb),	Sanders,
Jones (Wilcox),	Sanford,
Kirk,	Searcy,
Kirkland,	Selheimer,
Knight,	Sentell,
Kyle,	Sloan,
Leigh,	Smith (Mobile),
Lomax,	Smith, Mac. A.,
Long (Walker),	Smith, Morgan M.,
Lowe (Jefferson),	Sollie,
Lowe (Lawrence),	Sorrell,
Macdonald,	Spragins,
McMillan (Baldwin),	Stewart,
McMillan (Wilcox),	Tayloe,
Malone,	Thompson,
Martin,	Vaughan,
Merrill,	Waddell,
Miller (Marengo),	Walker,
Miller (Wilcox),	Watts,
Moody,	Weakley,
Mulkey,	Weatherly,

Whiteside,  
Williams (Barbour),  
Williams (Marengo),  
Williams (Elmore),

Wilson (Clarke),  
Wilson (Washington),  
Winn—125.

#### REPORT OF COMMITTEE ON ENROLLMENT.

Mr. Carmichael, of Colbert, chairman of the Committee on Enrollment, submitted the following report, which was concurred in :

*Mr. President :*

The Committee on Enrollment of the Constitution beg leave to report that the proposed Constitution of the State of Alabama has been correctly and properly enrolled, the same is submitted herewith for the action of the Convention.

A. H. CARMICHAEL, *Chairman.*

Thereupon the Constitution was taken up and read at length as follows, and the same was signed by the President, and attested by the Secretary, and immediately the roll of the Convention was called, and the delegates whose names appear upon the Constitution came forward and signed the Constitution :

#### CONSTITUTION OF THE STATE OF ALABAMA.

1901.

We, the people of the State of Alabama, in order to establish justice, insure domestic tranquillity and secure the blessings of liberty to ourselves and our posterity, invoking the favor and guidance of Almighty God, do ordain and establish the following Constitution and form of government for the State of Alabama :

## ARTICLE I.

## DECLARATION OF RIGHTS.

That the great, general and essential principles of liberty and free government may be recognized and established, we declare:

1. That all men are equally free and independent; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty and the pursuit of happiness.

2. That all political power is inherent in the people, and all free governments are founded on their authority, and instituted for their benefit; and that, therefore, they have at all times an inalienable and indefeasible right to change their form of government in such manner as they may deem expedient.

3. That no religion shall be established by law; that no preference shall be given by law to any religious sect, society, denomination or mode of worship; that no one shall be compelled by law to attend any place of worship; nor to pay any tithes, taxes or other rates for building or repairing any place of worship, or for maintaining any minister or ministry; that no religious test shall be required as a qualification to any office or public trust under this State; and that the civil rights, privileges and capacities of any citizen shall not be in any manner affected by his religious principles.

4. That no law shall ever be passed to curtail or restrain the liberty of speech or of the press; and any person may speak, write and publish his sentiments on all subjects, being responsible for the abuse of that liberty.

5. That the people shall be secure in their persons, houses, papers and possessions from unreasonable seizure or searches, and that no warrants shall issue to search any place or to seize any person or thing without probable cause, supported by oath or affirmation.

6. That in all criminal prosecutions, the accused has a right to be heard by himself and counsel or either; to demand the nature and cause of the accusation; and to have

a copy thereof; to be confronted by the witnesses against him; to have compulsory process for obtaining witnesses in his favor; to testify in all cases, in his own behalf, if he elects so to do; and, in all prosecutions by indictment, a speedy, public trial, by an impartial jury of the county or district in which the offense was committed; and he shall not be compelled to give evidence against himself, nor be deprived of life, liberty or property except by due process of law; but the Legislature may, by a general law, provide for a change of venue at the instance of the defendant in all prosecutions by indictment, and such change of venue on application of defendant, may be heard and determined without the personal presence of the defendant so applying therefor; provided that at the time of the application for the change of venue the defendant is imprisoned in jail or some legal place of confinement.

7. That no person shall be accused or arrested, or detained except in cases ascertained by law, and according to the form which the same has prescribed; and no person shall be punished but by virtue of a law established and promulgated prior to the offense and legally applied.

8. That no person shall, for any indictable offense, be proceeded against criminally, by information, except in cases arising in the militia and volunteer forces when in actual service, or when assembled under arms as a military organization, or by leave of the court, for misfeasance, misdemeanor, extortion and oppression in office otherwise than is provided in this Constitution; provided that in cases of misdemeanor, the Legislature may, by law, dispense with a Grand Jury, and authorize such prosecutions and proceedings before Justices of the Peace or such other inferior courts as may be by law established.

9. That no person shall, for the same offense, be twice put in jeopardy of life or limb; but courts may, for reasons fixed by law, discharge juries from the consideration of any case, and no person shall gain any ad-

vantage by reason of such discharge of the jury.

10. That no person shall be barred from prosecuting or defending before any tribunal in this State, by himself or counsel, any civil cause to which he is a party.

11. That the right of trial by jury shall remain inviolate.

12. That in all prosecutions for libel or for the publication of papers investigating the official conduct of officers or men in public capacity, or when the matter published is proper for public information, the truth thereof may be given in evidence; and that in all indictments for libel, the jury shall have the right to determine the law and the facts under the direction of the court.

13. That all courts shall be open; and that every person, for any injury done him, in his lands, goods, person or reputation, shall have a remedy by due process of law; and right and justice shall be administered without sale, denial or delay.

14. That the State of Alabama shall never be made a defendant in any court of law or equity.

15. That excessive fines shall not be imposed, nor cruel or unusual punishments inflicted.

16. That all persons shall, before conviction, be bailable by sufficient sureties, except for capital offenses, when the proof is evident or the presumption great; and that excessive bail shall not in any case be required.

17. That the privilege of the writ of habeas corpus shall not be suspended by the authorities of this State.

18. That treason against the State shall consist only in levying war against it, or adhering to its enemies, giving them aid and comfort; and that no person shall be convicted of treason, except on the testimony of two witnesses to the same overt act, or his own confession in open court.

19. That no person shall be attainted of treason by the Legislature; and no conviction shall work corruption of blood or forfeiture of estate.

20. That no person shall be imprisoned for debt.

21. That no power of suspending laws shall be exercised except by the Legislature.

22. That no *ex post facto* law, nor any law, impairing the obligation of contracts, or making any irrevocable or exclusive grants of special privileges or immunities, shall be passed by the Legislature; and every grant of a franchise, privilege or immunity, shall forever remain subject to revocation, alteration or amendment.

23. That the exercise of the right of eminent domain shall never be abridged nor so construed as to prevent the Legislature from taking the property and franchises of incorporated companies and subjecting them to public use in the same manner in which the property and franchises of individuals are taken and subjected, but private property shall not be taken for or applied to public use unless just compensation be first made therefor; nor shall private property be taken for private use or for the use of corporations, other than municipal, without the consent of the owner; provided, however, the Legislature may by law secure to persons or corporations the right of way over the lands of other persons or corporations, and by general laws provide for and regulate the exercise by persons and corporations of the rights herein reserved; but just compensation shall, in all cases, be first made to the owner; and, provided that the right of eminent domain shall not be so construed as to allow taxation or forced subscription for the benefit of railroads or any other kind of corporations, other than municipal, or for the benefit of any individual or association.

24. That all navigable waters shall remain forever public highways, free to the citizens of the State and the United States, without tax, impost or toll; and that no tax, toll, impost or wharfage shall be demanded or received from the owner of any merchandise or commodity for the use of the shores or any wharf erected on the shores, or in or over the waters, of any navigable stream, unless the same be expressly authorized by law.

25. That the citizens have a right, in a peaceable manner, to assemble together for the common good, and to apply to those invested with the power of government for redress of grievances or other purposes, by petition, address or remonstrance.



26. That every citizen has a right to bear arms in defense of himself and the State.

27. That no standing army shall be kept up without the consent of the Legislature, and, in that case, no appropriation for its support shall be made for a longer term than one year; and the military shall, in all cases, and at all times, be in strict subordination to the civil power.

28. That no soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor, in time of war, but in a manner to be prescribed by law.

29. That no title of nobility or hereditary distinction, privilege, honor or emolument shall ever be granted or conferred in this State; and that no office shall be created, the appointment to which shall be for a longer time than during good behavior.

30. That immigration shall be encouraged; emigration shall not be prohibited, and no citizen shall be exiled.

31. That temporary absence from the State shall not cause a forfeiture of residence once obtained.

32. That no form of slavery shall exist in this State; and there shall not be any involuntary servitude, otherwise than for the punishment of crime, of which the party shall have been duly convicted.

33. The privilege of suffrage shall be protected by laws regulating elections, and prohibiting, under adequate penalties, all undue influences from power, bribery, tumult or other improper conduct.

34. Foreigners who are, or who may hereafter become bona fide residents of this State, shall enjoy the same rights in respect to the possession, enjoyment and inheritance of property, as native born citizens.

35. That the sole object and only legitimate end of government is to protect the citizen in the enjoyment of life, liberty and property, and when the government assumes other functions, it is usurpation and oppression.

36. That this enumeration of certain rights shall not impair or deny others retained by the people; and, to

guard against any encroachments on the rights herein retained, we declare that everything in this Declaration of Rights is excepted out of the general powers of government, and shall forever remain inviolate.

## ARTICLE II.

### STATE AND COUNTY BOUNDARIES.

37. The boundaries of this State are established and declared to be as follows, that is to say: Beginning at the point where the thirty-first degree of north latitude crosses the Perdido river; thence east to the western boundary line of the State of Georgia; thence along said line to the southern boundary line of the State of Tennessee, thence west along the southern boundary line of the State of Tennessee, crossing the Tennessee river, and on to the second intersection of said river by said line, thence up said river to the mouth of Big Bear creek; thence by a direct line to the northwest corner of Washington county, in this State, as originally formed; thence southerly along the line of the State of Mississippi to the Gulf of Mexico; thence eastwardly, including all islands within six leagues of the shore, to the Perdido river; thence up the said river to the beginning; provided, that the limits and jurisdiction of this State shall extend to and include any other land and territory hereafter acquired, by contract or agreement with other States or otherwise, although such land and territory are not included within the boundaries hereinbefore designated.

38. The boundaries of the several counties of this State, as they now exist, are hereby ratified and confirmed.

39. The Legislature may by a vote of two-thirds of each House thereof arrange and designate boundaries for the several counties of this State, which boundaries shall not be altered, except by a like vote; but no new county shall be formed hereafter of less extent than six hundred square miles, and no existing county shall be reduced to less than six hundred square miles; and no new county shall be

formed unless it shall contain a sufficient number of inhabitants to entitle it to one Representative under the ratio of representation existing at the time of its formation, and leave the county or counties from which it is taken with the required number of inhabitants to entitle such county or counties, each, to separate representation; provided, that out of the counties of Henry, Dale and Geneva a new county of less than six hundred square miles may be formed under the provisions of this article, so as to leave said counties of Henry, Dale and Geneva with not less than five hundred square miles each.

40. No county line shall be altered or changed, or in the event of the creation of new counties shall be established, so as to run within seven miles of the county court house of any old county.

41. No court house or county site shall be removed except by a majority vote of the qualified electors of said county, voting at an election held for such purpose, and when an election has once been held no other election shall be held for such purpose until the expiration of four years; provided, that the county site of Shelby county, shall remain at Columbiana, unless removed by a vote of the people, as provided for in an act entitled "An act to provide for the permanent location of the county site of Shelby county, Alabama, by a vote of the qualified electors of said county," approved the 9th day of February, 1899, and the act amendatory thereof, approved the 20th day of February, 1899, or by an election held under the provisions of this article.

### ARTICLE III.

#### DISTRIBUTION OF POWERS OF GOVERNMENT.

42. The powers of the government of the State of Alabama shall be divided into three distinct departments, each of which shall be confided to a separate body of magistracy, to-wit: Those who are legislative,

to one; those which are executive to another; and those which are judicial to another.

43. In the government of this State, except in the instances in this Constitution hereinafter expressly directed or permitted, the legislative department shall never exercise the executive and judicial powers, or either of them; the executive shall never exercise the legislative and judicial powers, or either of them; the judicial shall never exercise the legislative and executive powers, or either of them; to the end that it may be a government of laws and not of men.

## ARTICLE IV.

### LEGISLATIVE DEPARTMENT.

44. The legislative power of this State shall be vested in a Legislature, which shall consist of a Senate and a House of Representatives.

45. The style of the laws of this State shall be: "Be it enacted by the Legislature of Alabama," which need not be repeated, but the act shall be divided into sections for convenience, according to substance, and the sections designated merely by figures. Each law shall contain but one subject, which shall be clearly expressed in its title, except general appropriation bills, general revenue bills, and bills adopting a code, digest, or revision of statutes; and no law shall be revived, amended or the provisions thereof extended or conferred, by reference to its title only; but so much thereof as is revived, amended, extended, or conferred, shall be reënacted and published at length.

46. Senators and Representatives shall be elected by the qualified electors on the first Tuesday after the first Monday in November unless the Legislature shall change the time of holding elections and in every fourth year thereafter. The terms of office of the Senators and Representatives shall commence on the day after the general election at which they are elected, and expire on the day after the general election held in the fourth year after their election, except as otherwise provided in

this Constitution. At the general election in the year nineteen hundred and two all the Representatives, together with the Senators for the even numbered districts and for the Thirty-fifth district, shall be elected. The terms of those Senators who represent the odd numbered districts under the law in force prior to the ratification of this Constitution, are hereby extended until the day after the general election in the years nineteen hundred and six; and until the expiration of his terms as hereinbefore extended, each such Senator shall represent the district established by this Constitution, bearing the number corresponding with that for which he was elected. In the year nineteen hundred and six, and in every fourth year thereafter, all the Senators and Representatives shall be elected. Whenever a vacancy shall occur in either House the Governor shall issue a writ of election to fill such vacancy for the remainder of the term.

47. Senators shall be at least twenty-five years of age, and Representatives twenty-one years of age at the time of their election; they shall have been citizens and residents of this State for three years and residents of their respective counties or districts for one year next before their election, if such county or district shall have been so long established; but if not, then of the county or district from which the same shall have been taken; and they shall reside in their respective counties or districts during their terms of office.

48. The Legislature shall meet quadrennially at the Capitol, in the Senate chamber, and in the Hall of the House of Representatives, on the second Tuesday in January next succeeding their election, or on such other day as may be prescribed by law; and shall not remain in session longer than sixty days at the first session held under this Constitution, nor longer than fifty days at any subsequent session. If at any time it should from any cause become impossible or dangerous for the Legislature to meet or remain at the Capitol, or for the Senate to meet or remain in the Senate chamber, or for the Representatives to meet or remain in the Hall of the House of Representatives, the Governor may convene

the Legislature, or remove it, after it has convened, to some other place, or may designate some other place for the sitting of the respective Houses, or either of them, as necessity may require.

49. The pay of the members of the Legislature shall be four dollars per day, and ten cents per mile in going to and returning from the seat of government, to be computed by the nearest usual route traveled.

50. The Legislature shall consist of not more than thirty-five Senators, and not more than one hundred and five members of the House of Representatives, to be apportioned among the several districts and counties as prescribed in this Constitution; provided that in addition to the above number of Representatives, each new county hereafter created shall be entitled to one Representative.

51. The Senate, at the beginning of each regular session, and at such other times as may be necessary, shall elect one of its members president pro tem thereof to preside over the deliberations in the absence of the Lieutenant Governor; and the House of Representatives, at the beginning of each regular session, and at such other time as may be necessary, shall elect one of its members as Speaker; and the President of the Senate and the Speaker of the House of Representatives shall hold their offices respectively until their successors are elected and qualified. In case of the temporary disability of either of said presiding officers, the House to which he belongs may elect one of its members to preside over that House and to perform all the duties of such officer during the continuance of his disability; and such temporary officer, while performing duty as such, shall receive the same compensation to which the permanent officer is entitled by law, and no other. Each House shall choose its own officers and shall judge of the election, returns and qualifications of its members.

52. A majority of each House shall constitute a quorum to do business; but a smaller number may adjourn from day to day and compel the attendance of absent members, in such manner and under such penalties as each House may provide.

53. Each House shall have power to determine the rules of its proceedings and to punish its members

and other persons, for contempt or disorderly behavior in its presence; to enforce the obedience to its processes; to protect its members against violence, or offers of bribes or corrupt solicitation; and with the concurrence of two-thirds of the House to expel a member, but not a second time for the same offense; and the two Houses shall have all the powers necessary for the Legislature of a free State.

54. A member of the Legislature, expelled for corruption shall not thereafter be eligible to either House, and punishment for contempt or disorderly behavior shall not bar an indictment for the same offense.

55. Each House shall keep a Journal of its proceedings and cause the same to be published immediately after its adjournment, excepting such parts as, in its judgment, may require secrecy; and the yeas and nays of the members of either House on any question shall, at the request of one-tenth of the members present, be entered on the Journal. Any member of either House shall have liberty to dissent from or protest against any act or resolution which he may think injurious to the public, or to an individual, and have the reason for his dissent entered on the Journal.

56. Members of the Legislature shall, in all cases, except treason, felony, violation of their oath of office, and breach of the peace, be privileged from arrest during their attendance at the session of their respective Houses, and in going to and returning from the same; and for any speech or debate in either House they shall not be questioned in any other place.

57. The doors of each House shall be opened except on such occasions as, in the opinion of the House, may require secrecy, but no person shall be admitted to the floor of either House while the same is in session, except members of the Legislature, the officers and employes of the two Houses, the Governor and his secretaries, representatives of the press, and other persons to whom either House, by unanimous vote, may extend the privileges of its floor.

58. Neither House shall, without consent of the other, adjourn for more than three days, nor to any

other place than that in which they may be sitting, except as otherwise provided in this Constitution.

59. No Senator or Representative shall, during the term for which he shall have been elected, be appointed to any office of profit under this State, which shall have been created, or the emoluments of which shall have been increased during such term, except such offices as may be filled by election by the people.

60. No person convicted of embezzlement of the public money, bribery, perjury, or other infamous crime, shall be eligible to the Legislature, or capable of holding any office of trust or profit in this State.

61. No law shall be passed except by bill, and no bill shall be so altered or amended on its passage through either House as to change its original purpose.

62. No bill shall become a law until it shall have been referred to a standing committee of each House, acted upon by such committee in session, and returned therefrom, which facts shall affirmatively appear upon the Journal of each House.

63. Every bill shall be read on three different days in each House, and no bill shall become a law, unless on its final passage it be read at length, and the vote be taken by yeas and nays, the names of the members voting for and against the same be entered upon the Journals, and a majority of each House be recorded thereon as voting in its favor, except as otherwise provided in this Constitution.

64. No amendment to bills shall be adopted except by a majority of the House wherein the same is offered, nor unless the amendment with the names of those voting for and against the same shall be entered at length on the Journal of the House in which the same is adopted, and no amendment to bills by one House shall be concurred in by the other, unless a vote be taken by yeas and nays, and the names of the members voting for and against the same be recorded at length on the Journal; and no report of a committee of conference shall be adopted in either House, except upon a vote taken by yeas and nays, and entered on the Journal, as herein provided for the adoption of amendments.



65. The Legislature shall have no power to authorize lotteries or gift enterprises for any purpose, and shall pass laws to prohibit the sale in this State of lottery or gift enterprise tickets, or tickets in any scheme in the nature of a lottery; and all acts, or parts of acts heretofore passed by the Legislature of this State, authorizing a lottery or lotteries and all acts amendatory thereof, or supplemental thereto, are hereby avoided.

66. The presiding officer of each House shall, in the presence of the House over which he presides, sign all bills and joint resolutions passed by the Legislature, after the same shall have been publicly read at length immediately before signing, and the fact of reading and signing shall be entered upon the Journal; but the reading at length may be dispensed with by a two-thirds vote of a quorum present, which fact shall also be entered on the Journal.

67. The Legislature shall prescribe by law the number, duties and compensation of the officers and employes of each House, and no payment shall be made from the State Treasury or be in any way authorized to any person except to an acting officer or employe elected or appointed in pursuance of law.

68. The Legislature shall have no power to grant or to authorize or require any county or municipal authority to grant, nor shall any county or municipal authority have power to grant any extra compensation, fee or allowance to any public officer, servant or employee, agent or contractor, after service shall have been rendered or contract made, nor to increase or decrease the fees and compensation of such officers during their terms of office; nor shall any officer of the State bind the State to the payment of any sum of money but by authority of law; provided this section shall not apply to allowances made by Commissioners' Courts or Boards of Revenue to county officers for ex officio services, nor prevent the Legislature from increasing or diminishing at any time the allowance to Sheriffs or other officers for feeding, transferring or guarding prisoners.

69. All stationery, printing, paper and fuel used in the legislative and other departments of government shall be furnished and the printing, binding and distribution of laws, Journals, department reports, and all other printing, binding and repairing and furnishing the halls and rooms used for the meeting of the Legislature and its committees, shall be performed under contract, to be given to the lowest responsible bidder below a maximum price, and under such regulations as shall be prescribed by law; no member or officer of any department of the government shall be in any way interested in such contracts, and all such contracts shall be subject to the approval of the Governor, Auditor and Treasurer.

70. All bills for raising revenue shall originate in the House of Representatives. The Governor, Auditor and Attorney General shall, before each regular session of the Legislature, prepare a general revenue bill to be submitted to the Legislature, for its information, and the Secretary of State shall have printed for the use of the Legislature a sufficient number of copies of the bill so prepared which the Governor shall transmit to the House of Representatives as soon as organized, to be used or dealt with as that House may elect. The Senate may propose amendments to revenue bills. No revenue bill shall be passed during the last five days of the session.

71. The general appropriation bill shall embrace nothing but appropriations for the ordinary expenses of the Executive, Legislative and Judicial departments of the State, for interest on the public debt, and for the public schools. The salary of no officer or employe shall be increased in such bill, nor shall any appropriation be made therein for any officer or employe unless his employment and the amount of his salary have already been provided for by law. All other appropriations shall be made by separate bills, each embracing but one subject..

72. No money shall be paid out of the Treasury except upon appropriations made by law, and on warrant drawn by the proper officer in pursuance thereof;

and a regular statement and account of receipts and expenditures of all public moneys shall be published annually, in such manner as may be by law directed.

73. No appropriation shall be made to any charitable or educational institution not under the absolute control of the State, other than normal schools established by law for the professional training of teachers for the public schools of the State, except by a vote of two-thirds of all the members elected to each House.

74. No act of the Legislature shall authorize the investment of any trust fund by executors, administrators, guardians or other trustees in the bonds or stock of any private corporation; and any such acts now existing are avoided, saving investments heretofore made.

75. The power to change the venue in civil and criminal cases is vested in the courts, to be exercised in such manner as shall be provided by law.

76. When the Legislature shall be convened in special session there shall be no legislation upon subjects other than those designated in the proclamation of the Governor calling such session, except by a vote of two-thirds of each House. Special sessions shall be limited to thirty days.

77. No State office shall be continued or created for the inspection or measuring of any merchandise, manufacture or commodity, but any county or municipality may appoint such officers when authorized by law.

78. No act of the Legislature changing the seat of government of the State shall become a law until the same shall have been submitted to the qualified electors of the State at a general election, and approved by a majority of such electors voting on the same; and such act shall specify the proposed new location.

79. A member of the Legislature who shall solicit, demand or receive, or consent to receive, directly or indirectly, for himself or for another, from any company, corporation, association or person, any money, office, appointment, employment, reward, thing of value, or enjoyment, or personal advantage or promise thereof, for his vote or official influence, or for withholding the

same; or with an understanding, expressed or implied, that his vote or official action shall be in any way influenced thereby; or who shall solicit or demand any such money or other advantage, matter or thing aforesaid, for another as the consideration for his vote or influence, or for withholding the same; or shall give or withhold his vote or influence in consideration of the payment or promise of such money, advantage, matter or thing to another, shall be guilty of bribery within the meaning of this Constitution; and shall incur the disabilities and penalties provided thereby for such offense, and such additional punishment as is or shall be provided by law.

80. Any person who shall, directly or indirectly, offer, give or promise any money, or thing of value, testimonial, privilege, or personal advantage, to any executive or judicial officer or member of the Legislature to influence him in the performance of any of his public or official duties, shall be guilty of bribery, and be punished in such manner as may be provided by law.

81. The offense of corrupt solicitation of members of the Legislature or of public officers of this State or of any municipal division thereof, and any occupation or practice of solicitation of such members or officers, to influence their official action, shall be defined by law, and shall be punished by fine and imprisonment in the penitentiary; and the Legislature shall provide for the trial and punishment of the offenses enumerated in the two preceding sections, and shall require the Judges to give the same specially in charge to the Grand Juries in all the counties of this State.

82. A member of the Legislature who has a personal or private interest in any measure or bill proposed or pending before the Legislature, shall disclose the fact to the House of which he is a member, and shall not vote thereon.

83. In all elections by the Legislature the members shall vote viva voce, and the votes shall be entered on the Journal.

84. It shall be the duty of the Legislature to pass such laws as may be necessary and proper to decide

differences by arbitrators to be appointed by the parties who may choose that mode of adjustment.

85. It shall be the duty of the Legislature, at its first session after the ratification of this Constitution, and within every subsequent period of twelve years, to make provision by law for revising, digesting and promulgating the public statutes of this State, of a general nature, both civil and criminal.

86. The Legislature shall pass such penal laws as they may deem expedient to suppress the evil practice of dueling.

87. It shall be the duty of the Legislature to regulate by law the cases in which deduction shall be made from the salaries or compensation of public officers for neglect of duty in their official capacities, and the amount of such deduction.

88. It shall be the duty of the Legislature to require the several counties of this State to make adequate provision for the maintenance of the poor.

89. The Legislature shall not have power to authorize any municipal corporation to pass any laws inconsistent with the general laws of this State.

90. In the event of the annexation of any foreign territory to this State, the Legislature shall enact laws extending to the inhabitants of the acquired territory all the rights and privileges which may be required by the terms of acquisition not inconsistent with this Constitution. Should the State purchase such foreign territory, the Legislature, with the approval of the Governor, shall be authorized to expend any money in the Treasury not otherwise appropriated, and, if necessary, to provide also for the issuance of State bonds, to pay for the purchase of such foreign territory.

91. The Legislature shall not tax the property, real or personal, of the State, counties or other municipal corporations, or cemeteries; nor lots in incorporated cities or towns, or within one mile of any city or town to the extent of one acre, nor lots one mile or more distant from such cities or towns to the extent of five acres, with the buildings thereon, when the same are used exclusively for religious worship, for schools or for purposes purely charitable.

92. The Legislature shall by law prescribe such rules and regulations as may be necessary to ascertain the value of real and personal property exempted from sale under legal process by this Constitution, and to secure the same to the claimant thereof as selected.

93. The State shall not engage in works of internal improvement, nor lend money or its credit in aid of such; nor shall the State be interested in any private or corporate enterprise, or lend money or its credit to any individual, association or corporation.

94. The Legislature shall not have power to authorize any county, city, town, or other subdivision of this State to lend its credit, or to grant public money or thing of value in aid of, or to, any individual, association or corporation whatsoever, or to become a stockholder in any such corporation, association or company, by issuing bonds or otherwise.

95. There can be no law of this State impairing the obligation of contracts by destroying or impairing the remedy for their enforcement; and the Legislature shall have no power to revive any right or remedy which may have become barred by lapse of time, or by any statute of this State. After suit has been commenced on any cause of action, the Legislature shall have no power to take away such cause of action, or to destroy any existing defense to such suit.

96. The Legislature shall not enact any law not applicable to all the counties in the State, regulating costs and charges of courts, or fees, commissions or allowances of public officers.

97. The Legislature shall not authorize payment to any person of the salary of a deceased officer beyond the date of his death.

98. The Legislature shall not retire any officer on pay, or part pay, or make any grant to such retiring officer.

99. Lands belonging to or under the control of the State shall never be donated directly or indirectly to private corporations, associations, or individuals or railroad companies; nor shall such lands be sold to corporations or associations for a

less price than that for which they are subject to sale to individuals; provided, that nothing contained in this section shall prevent the Legislature from granting a right of way, not exceeding one hundred and twenty-five feet in width, as a mere easement, to railroads or telegraph or telephone lines across State lands, and the Legislature shall never dispose of the land covered by such right of way except subject to such easement.

100. No obligation or liability of any person, association or corporation held or owned by this State, or by any county or other municipality thereof, shall ever be remitted, released or postponed, or in any way diminished, by the Legislature; nor shall such liability or obligation be extinguished except by payment thereof; nor shall such liability, or obligation be exchanged or transferred except upon payment of its face value; provided, that this section shall not prevent the Legislature from providing by general law for the compromise of doubtful claims.

101. No State or county official shall, at any time during his term of office, accept, either directly or indirectly, any fee, money, office, appointment, employment, reward or thing of value, or of personal advantage, or the promise thereof, to lobby for or against any measure pending before the Legislature, or to give or withhold his influence to secure the passage or defeat of any such measure.

102. The Legislature shall never pass any law to authorize or legalize any marriage between any white person and a negro or descendant of a negro.

103. The Legislature shall provide by law for the regulation, prohibition, or reasonable restraint of common carriers, partnerships, associations, trusts, monopolies, and combinations of capital, so as to prevent them or any of them from making scarce articles of necessity, trade or commerce, or from increasing unreasonably the cost thereof to the consumer, or preventing reasonable competition in any calling, trade or business.

## LOCAL LEGISLATION.

104. The Legislature shall not pass a special, private or local law in any of the following cases:

- (1.)—Granting a divorce;
- (2.)—Relieving any minor of the disabilities of non-age;
- (3.)—Changing the name of any corporation, association or individual;
- (4.)—Providing for the adopting or legitimizing of any child;
- (5.)—Incorporating a city, town or village;
- (6.)—Granting a charter to any corporation, association or individual;
- (7.)—Establishing rules of descent or distribution;
- (8.)—Regulating the time within which a civil or criminal action may be begun;
- (9.)—Exempting any individual, private corporation or association from the operation of any general law;
- (10.)—Providing for the sale of the property of any individual or estate;
- (11.)—Changing or locating a county seat;
- (12.)—Providing for a change of venue in any case;
- (13.)—Regulating the rate of interest;
- (14.)—Fixing the punishment of crime;
- (15.)—Regulating either the assessment or collection of taxes, except in connection with the readjustment, renewal, or extension of existing municipal indebtedness created prior to the ratification of the Constitution of eighteen hundred and seventy-five;
- (16.)—Giving effect to an invalid will, deed or other instrument;
- (17.)—Authorizing any county, city, town, village, district or other political subdivision of a county, to issue bonds or other securities unless the issuance of said bonds or other securities shall have been authorized before the



enactment of such local or special law, by a vote of the duly qualified electors of such county, township, city, town, village, district or other political subdivision of a county, at an election held for such purpose, in the manner that may be prescribed by law; provided, the Legislature may without such election, pass special laws to refund bonds issued before the date of the ratification of this Constitution;

(18.)—Amending, confirming or extending the charter of any private municipal corporation, or remitting the forfeiture thereof; provided, this shall not prohibit the Legislature from altering or re-arranging the boundaries of any city, town or village;

(19.)—Creating, extending or impairing any lien;

(20.)—Chartering or licensing any ferry, road or bridge;

(21.)—Increasing the jurisdiction and fees of Justices of the Peace or the fees of Constables;

(22.)—Establishing separate school districts;

(23.)—Establishing separate stock districts;

(24.)—Creating, increasing or decreasing fees, percentages or allowances of public officers;

(25.)—Exempting property from taxation or from levy or sale;

(26.)—Exempting any person from jury, road or other civil duty;

(27.)—Donating any lands owned by or under control of the State to any person or corporation;

(28.)—Remitting fines, penalties or forfeitures;

(29.)—Providing for the conduct of elections or designating places of voting, or changing the boundaries of wards, precincts or districts, except in the event of the organization of new counties, or the changing of the lines of old counties;

(30.)—Restoring the right to vote to persons convicted of infamous crimes, or crimes involving moral turpitude;

(31.)—Declaring who shall be liners between precincts or between counties.

The Legislature shall pass general laws for the cases enumerated in this section; provided, that nothing in this section or article shall affect the right of the Legislature to enact local laws regulating or prohibiting the liquor traffic; but no such local law shall be enacted unless notice shall have been given as required in Section 106 of this Constitution.

105. No special, private or local law, except a law fixing the time of holding courts, shall be enacted in any case which is provided for by a general law, or when the relief sought can be given by any court of this State; and the Courts, and not the Legislature shall judge as to whether the matter of said law is provided for by a general law, and as to whether the relief sought can be given by any court; nor shall the Legislature indirectly enact any such special, private or local law by the partial repeal of a general law.

106. No special, private or local law shall be passed on any subject not enumerated in Section 104 of this Constitution, except in reference to fixing the time of holding courts, unless notice of the intention to apply therefor shall have been published, without cost to the State, in the county or counties where the matter or thing to be affected may be situated, which notice shall state the substance of the proposed law, and be published at least once a week for four consecutive weeks in some newspaper published in such county or counties, or if there is no newspaper published therein, then by posting the said notice for four consecutive weeks at five different places in the county or counties prior to the introduction of the bill; and proof by affidavit that said notice has been given shall be exhibited to each house of the Legislature, and said proof spread upon the Journal. The courts shall pronounce void every special, private or local law which the Journals do not affirmatively show was passed in accordance with the provisions of this section.

107. The Legislature shall not, by a special, private or local law, repeal or modify any special, private or local law except upon notice being given and shown

as provided in the last preceding section.

108. The operation of a general law shall not be suspended for the benefit of any individual, private corporation or association; nor shall any individual, private corporation or association be exempted from the operation of any general law except as in this article otherwise provided.

109. The Legislature shall pass general laws under which local and private interests shall be provided for and protected.

110. A general law within the meaning of this article is a law which applies to the whole State; a local law is a law which applies to any political subdivision or subdivisions of the State less than the whole; a special or private law within the meaning of this article is one which applies to an individual, association or corporation.

111. No bill introduced as a general law in either House of the Legislature shall be so amended on its passage as to become a special, private or local law.

## ARTICLE V.

### EXECUTIVE DEPARTMENT.

112. The Executive Department shall consist of a Governor, Lieutenant Governor, Attorney General, State Auditor, Secretary of State, State Treasurer, Superintendent of Education, Commissioner of Agriculture and Industries, and a Sheriff for each county.

113. The supreme executive power of this State shall be vested in a chief magistrate, who shall be styled "The Governor of the State of Alabama."

114. The Governor, Lieutenant Governor, Attorney General, State Auditor, Secretary of State, State Treasurer, Superintendent of Education and Commissioner of Agriculture and Industries, shall be elected by the qualified electors of the State at the same time and places appointed for the election of members of the Legislature in the year nineteen hundred and two, and in every fourth year thereafter.

115. The returns of every election for Governor, Lieutenant Governor, Attorney General, State Auditor, Secretary of State, State Treasurer, Superintendent of Education and Commissioner of Agriculture and Industries shall be sealed up and transmitted by the returning officers to the seat of government, directed to the Speaker of the House of Representatives, who shall, during the first week of the session to which such returns shall be made, open and publish them in the presence of both houses of the Legislature in joint convention; but the Speaker's duty and the duty of the joint convention shall be purely ministerial. The result of the election shall be ascertained and declared by the speaker from the face of the returns without delay. The person having the highest number of votes for any one of said offices shall be declared duly elected; but if two or more persons shall have an equal and the highest number of votes for the same office, the Legislature by joint vote, without delay, shall choose one of said persons for said office. Contested elections for Governor, Lieutenant Governor, Attorney General, State Auditor, Secretary of State, State Treasurer, Superintendent of Education and Commissioner of Agriculture and Industries shall be determined by both Houses of the Legislature in such manner as may be prescribed by law.

116. The Governor, Lieutenant Governor, Attorney General, State Auditor, Secretary of State, State Treasurer, Superintendent of Education and Commissioner of Agriculture and Industries, elected after the ratification of this Constitution, shall hold their respective offices for the term of four years from the first Monday after the second Tuesday in January next succeeding their election, and until their successors shall be elected and qualified. After the first election under this Constitution no one of said officers shall be eligible as his own successor; and the Governor shall not be eligible to election or appointment to any office under this State, or to the Senate of the United States, during his term, and within one year after the expiration thereof.

117. The Governor and Lieutenant Governor shall each be at least thirty years of age when elected and

shall have been citizens of the United States ten years and resident citizens of this State at least seven years next before the date of their election. The Lieutenant Governor shall be ex-officio President of the Senate, but shall have no right to vote except in the event of a tie.

118. The Governor, Lieutenant Governor, Attorney General, State Auditor, Secretary of State, State Treasurer, Superintendent of Education, and Commissioner of Agriculture and Industries shall receive compensation to be fixed by law, which shall not be increased or diminished during the term for which they shall have been elected, and shall, except the Lieutenant Governor, reside at the State Capital during the time they continue in office, except during epidemics. The compensation of the Lieutenant Governor shall be the same as that received by the Speaker of the House, except while serving as Governor, during which time his compensation shall be the same as that allowed the Governor.

119. If the Legislature, at the session next after the ratification of this Constitution, shall enact a law increasing the salary of the Governor, such increase shall become effective and apply to the first Governor elected after the ratification of this Constitution, if the Legislature shall so determine.

120. The Governor shall take care that the laws be faithfully executed.

121. The Governor may require information in writing, under oath, from the officers of the Executive Department, named in this article, or created by statute, on any subject relating to the duties of their respective offices; and he may at any time require information in writing, under oath, from all officers and managers of State institutions, upon any subject relating to the condition, management and expenses of their respective offices and institutions. Any such officer or manager who makes a wilfully false report or fails without sufficient excuse to make the required report on demand, is guilty of an impeachable offense.

122. The Governor may, by proclamation, on extraordinary occasions, convene the Legislature

at the seat of government, or at a different place if, since their last adjournment, that shall have become dangerous from an enemy, insurrection, or other lawless outbreak, or from any infectious or contagious disease; and he shall state specifically in such proclamation each matter concerning which the action of that body is deemed necessary.

123. The Governor shall, from time to time, give to the Legislature information of the state of the government, and recommend for its consideration such measures as he may deem expedient; and at the commencement of each regular session of the Legislature, and at the close of his term of office, he shall give information by written message of the condition of the State; and he shall account to the Legislature, as may be prescribed by law, for all moneys received and paid out by him or by his order; and at the commencement of each regular session he shall present to the Legislature estimates of the amount of money required to be raised by taxation for all purposes.

124. The Governor shall have power to remit fines and forfeitures, under such rules and regulations as may be prescribed by law; and, after conviction, to grant reprieves, paroles, commutations of sentence and pardons, except in cases of impeachment. The Attorney General, Secretary of State and State Auditor shall constitute a Board of Pardons, who shall meet on the call of the Governor, and before whom shall be laid all recommendations or petitions, for pardon, commutation or parole, in cases of felony; and the Board shall hear them in open session, and give their opinion thereon in writing to the Governor, after which or on the failure of the board to advise for more than sixty days the Governor may grant or refuse the commutation, parole or pardon, as to him seems best for the public interest. He shall communicate to the Legislature at each session every remission of fines and forfeitures, and every reprieve, commutation, parole, or pardon, with his reasons therefor, and the opinion of the Board of Pardons in each case required to be referred, stating the name and crime

of the convict, the sentence, its date, and the date of reprieve, commutation, parole or pardon. Pardons in cases of felony and other offenses involving moral turpitude shall not relieve from civil and political disabilities, unless approved by the Board of Pardons and specifically expressed in the pardon.

125. Every bill which shall have passed both Houses of the Legislature, except as otherwise provided in this Constitution, shall be presented to the Governor; if he approve, he shall sign it; but if not, he shall return it with his objections to the House in which it originated, which shall enter the objections at large upon the Journal and proceed to reconsider it. If the Governor's message proposes no amendment which would remove his objections to the bill, the House in which the bill originated may proceed to reconsider it, and if a majority of the whole number elected to that House vote for the passage of the bill, it shall be sent to the other House, which shall in like manner reconsider and if a majority of the whole number elected to that House vote for the passage of the bill, the same shall become a law, notwithstanding the Governor's veto. If the Governor's message proposes amendment which would remove his objections, the House to which it is sent may so amend the bill and send it with the Governor's message to the other House, which may adopt, but cannot amend, said amendment; and both Houses concurring in the amendment, the bill shall again be sent to the Governor and acted on by him as other bills. If the House to which the bill is returned refuses to make such amendment, it shall proceed to reconsider; and if a majority of the whole number elected to that House shall vote for the passage of the bill, it shall be sent with the objections to the other House, by which it shall likewise be reconsidered, and if approved by a majority of the whole number elected to that House, it shall become a law. If the House to which the bill is returned makes the amendment and the other House declines to pass the same, that House shall proceed to reconsider, as though the bill had originated

therein, and such proceedings shall be taken thereon as above provided. In every such case the vote of both Houses shall be determined by yeas and nays and the names of the members voting for or against the bill shall be entered upon the Journals of each House respectively. If any bill shall not be returned by the Governor within six days, Sundays excepted, after it shall have been presented, the same shall become a law in like manner as if he had signed it, unless the Legislature, by its adjournment, prevent the return, in which case it shall not be a law; but when return is prevented by recess, such bill must be returned to the House in which it originated within two days after reassembling otherwise it shall become a law, but bills presented to the Governor within five days before the final adjournment of the Legislature may be approved by the Governor at any time within ten days after such adjournment, and if approved and deposited with the Secretary of State within that time shall become law. Every vote, order, or resolution to which concurrence of both Houses may be necessary, except on questions of adjournment and the bringing on of elections by the two Houses, and amending this Constitution, shall be presented to the Governor; and, before the same shall take effect, be approved by him; or, being disapproved, shall be re-passed by both Houses according to the rules and limitations prescribed in the case of a bill.

126. The Governor shall have power to approve or disapprove any item or items of any appropriation bill embracing distinct items, and the part or parts of the bill approved shall be the law, and the item or items disapproved shall be void, unless re-passed according to the rules and limitations prescribed for the passage of bills over the Executive veto; and he shall in writing state specifically the item or items he disapproves setting the same out in full in his message, but in such case the enrolled bill shall not be returned with the Governor's objection.

127. In case of the Governor's removal from office, death or resignation, the Lieutenant Governor shall become Governor. If both the Governor and Lieutenant



Governor be removed from office, die, or resign more than sixty days prior to the next general election for members of the Legislature, the Governor and Lieutenant Governor shall be elected at such election for the unexpired term, and in the event of a vacancy in the office, caused by the removal from office, death or resignation of the Governor and the Lieutenant Governor, pending such vacancy and until their successors shall be elected and qualified, the office of Governor shall be held and administered by either the President pro tem of the Senate, Speaker of the House of Representatives, Attorney General, State Auditor, Secretary of State, or State Treasurer in the order herein named. In case of the impeachment of the Governor, his absence from the State for more than twenty days, unsoundness of mind, or other disability, the power and authority of the office shall, until the Governor is acquitted, returns to the State, or is restored to his mind, or relieved from other disability, devolve in the order herein named, upon the Lieutenant Governor, President pro tem of the Senate, Speaker of the House of Representatives, Attorney General, State Auditor, Secretary of State, and State Treasurer. If any of these officers be under any of the disabilities herein specified, the office of Governor shall be administered in the order named by such of these officers as may be free from such disability. If the Governor shall be absent from the State over twenty days, the Secretary of State shall notify the Lieutenant Governor, who shall enter upon the duties of Governor; if both the Governor and Lieutenant Governor shall be absent from the State over twenty days, the Secretary of State shall notify the President pro tem of the Senate, who shall enter upon the duties of Governor, and so on, in case of such absence, he shall notify each of the other officers named in their order, who shall discharge the duties of the office until the Governor or other officer entitled to administer the office in succession to the Governor returns. If the Governor-elect fail or refuse from any cause to qualify, the Lieutenant Governor-elect shall qualify and exercise the duties of Governor until the

Governor-elect qualifies; and, in the event both the Governor-elect and the Lieutenant Governor-elect from any cause fail to qualify the President pro tem of the Senate, the Speaker of the House of Representatives, the Attorney General, State Auditor, Secretary of State, and State Treasurer shall in like manner, in the order named, administer the office, until the Governor-elect or Lieutenant-Governor-elect qualifies.

128. If the Governor or other officer administering the office shall appear to be of unsound mind, it shall be the duty of the Supreme Court of Alabama, at any regular term, or at any special term, which it is hereby authorized to call for that purpose, upon request in writing, verified by their affidavits, of any two of the officers named in Section 127 of this Constitution, not next in succession to the office of Governor, to ascertain the mental condition of the Governor or other officer administering the office, and if he is adjudged to be of unsound mind, to so decree a copy of which decree, duly certified, shall be filed in the office of the Secretary of State; and in the event of such adjudication it shall be the duty of the officer next in succession to perform the duties of the office until the Governor or other officer administering the office is restored to his mind. If the incumbent denies that the Governor or other person entitled to administer the office has been restored to his mind, the Supreme Court, at the instance of any officer named in Section 127 of this Constitution, shall ascertain the truth concerning the same, and if the officer has been restored to his mind, shall so adjudge and file a duly certified copy of its decree with the Secretary of State; and in the event of such adjudication, the office, shall be restored to him. The Supreme Court shall prescribe the method of taking testimony and the rules of practice in such proceedings, which rules shall include a provision for the service of notice of such proceedings on the Governor or person acting as Governor.

129. The Lieutenant Governor, President pro tem of the Senate, Speaker of the House, Attorney General, State Auditor, Secretary of State, or State Treasurer, while administering the office of Governor, shall receive

like compensation as that prescribed by law for the Governor, and no other.

130. No person shall at the same time hold the office of Governor and any other office, civil or military, under this State or the United States or any other State or government, except as otherwise provided in this Constitution.

131. The Governor shall be commander in chief of the militia and volunteer forces of this State, except when they shall be called into the service of the United States, and he may call out the same to execute the laws, suppress insurrection and repel invasion, but need not command in person unless directed to do so by resolution of the Legislature; and when acting in the service of the United States, he shall appoint his staff, and the Legislature shall fix his rank.

132. No person shall be eligible to the office of Attorney General, State Auditor, Secretary of State, State Treasurer, Superintendent of Education, or Commissioner of Agriculture and Industries, unless he shall have been a citizen of the United States at least seven years, and shall have resided in this State at least five years next preceding his election, and shall be at least twenty-five years old when elected.

133. There shall be a seal of the State which shall be used officially by the Governor, and the Seal now in use shall continue to be used until another shall have been adopted by the Legislature. The seal shall be called "The Great Seal of the State of Alabama."

134. The Secretary of State shall be the custodian of the Great Seal of the State, and shall authenticate therewith all official acts of the Governor, except his approval of laws, resolutions, appointments to office and administrative orders. He shall keep a register of the official acts of the Governor, and when necessary, shall attest them, and lay copies of same, together with copies of all papers relative thereto, before either House of the Legislature when required to do so, and shall perform such other duties as may be prescribed by law.

135. All grants and commissions shall be issued in the name and by the authority of the State of Ala-

bama, sealed with the Great Seal of the State, signed by the Governor and countersigned by the Secretary of State.

136. Should the office of Attorney General, State Auditor, Secretary of State, State Treasurer, Superintendent of Education, or Commisisoner of Agriculture and Industries become vacant from any cause, the Governor shall fill such vacancy until the disability is removed or a successor elected and qualified. In case any of said officers shall become of unsound mind, such unsoundness shall be ascertained by the Supreme Court upon the suggestion of the Governor.

137. The Attorney General, State Auditor, Secretary of State, State Treasurer, Superintendent of Education, and Commissioner of Agriculture and Industries shall perform such duties as may be prescribed by law. The State Treasurer and State Auditor shall every year, at a time fixed by the Legislature, make a full and complete report to the Governor, showing the receipts and disbursements of every character, all claims audited and paid out, by items, and all taxes and revenues collected and paid into the treasury, and the sources thereof. They shall make reports oftener upon any matters pertaining to their offices, if required by the Governor or the Legislature. The Attorney General, State Auditor, Secretary of State, State Treasurer and Commissioner of Agriculture and Industries shall not receive to their use any fees, costs, perquisites of office or other compensation than the salaries prescribed by law, and all fees that may be payable for any services performed by such officers shall be at once paid into the State Treasury.

138. A Sheriff shall be elected in each county by the qualified electors thereof, who shall hold office for a term of four years, unless sooner removed, and he shall be ineligible to such office as his own successor; provided, that the terms of all Sheriffs expiring in the year nineteen hundred and four are hereby extended until the time of the expiration of the terms of the other executive officers of this State in the year nineteen hundred and seven, unless sooner removed. Whenever any prisoner is taken from jail, or from the custody of the Sheriff or his deputy, and put to death, or suffers grievous bodily harm, owing to the neglect,

connivance, cowardice or other grave fault of the Sheriff, such Sheriff may be impeached under Section 174 of this Constitution. If the Sheriff be impeached, and thereupon convicted, he shall not be eligible to hold any office in this State during the time for which he had been elected or appointed to serve as Sheriff.

## ARTICLE VI.

### JUDICIAL DEPARTMENT.

139. The judicial power of the State shall be vested in the Senate sitting as a court of impeachment, a Supreme Court, Circuit Courts, Chancery Courts, Courts of Probate, such courts of law and equity inferior to the Supreme Court, and to consist of not more than five members, as the Legislature from time to time may establish, and such persons as may be by law invested with powers of a judicial nature; but no court of general jurisdiction, at law or in equity, or both, shall hereafter be established in and for any one county having a population of less than twenty thousand, according to the next preceding Federal census, and property assessed for taxation at a less valuation than three million five hundred thousand dollars.

140. Except in cases otherwise directed in this Constitution, the Supreme Court shall have appellate jurisdiction only, which shall be coextensive with the State, under such restrictions and regulations, not repugnant to this Constitution, as may from time to time be prescribed by law, except where jurisdiction over appeals is vested in some inferior court, and made final therein; provided, that the Supreme Court shall have power to issue writs of injunction, habeas corpus, quo warranto, and such other remedial and original writs as may be necessary to give it a general superintendence and control of inferior jurisdictions.

141. The Supreme Court shall be held at the seat of government, but, if that shall become dangerous from any cause, it may convene at or adjourn to another place.

142. Except as otherwise authorized in this article, the State shall be divided into convenient circuits. For each circuit there shall be chosen a judge, who shall, for one year next preceding his election and during his continuance in office, reside in the circuit for which he is elected.

143. The Circuit Court shall have original jurisdiction in all matters civil and criminal within the State not otherwise excepted in this Constitution; but in civil cases, other than suits for libel, slander, assault and battery, and ejectment, it shall have no original jurisdiction except where the matter or sum in controversy exceeds fifty dollars.

144. A Circuit Court, or a court having the jurisdiction of the Circuit Court, shall be held in each county in the State at least twice in every year, and judges of the several courts mentioned in this section may hold court for each other when they deem it expedient, and shall do so when directed by law. The judges of the several courts mentioned in this section shall have power to issue writs of injunction, returnable to the Courts of Chancery, or courts having the jurisdiction of Courts of Chancery.

145. The Legislature shall have power to establish a Court or Courts of Chancery, with original and appellate jurisdiction, except as otherwise authorized in this article. The State shall be divided by the Legislature into convenient Chancery divisions; each division shall be divided into districts, and for each division there shall be a chancellor, who shall have resided in the division for which he shall be elected or appointed, for one year next preceding his election or appointment, and shall reside therein during his continuance in office.

146. A Chancery Court, or a court having the jurisdiction of the Chancery Court, shall be held in each district, at a place to be fixed by law, at least twice in each year, and the chancellors may hold court for each other when they deem it necessary, and shall do so when directed by law.

147. Any county having a population of twenty thousand or more, according to the next preceding Federal census, and also taxable property of three million five hundred thousand dollars or more in value, according to the next preceding assessment of property for State and county taxation, need not be included in any circuit or chancery division; but if the value of its taxable property shall be reduced below that limit, or if its population shall be reduced below that number, the Legislature shall include such county in a circuit and chancery division or either, embracing more than one county. No Circuit or Chancery division shall contain less than three counties, unless there be embraced therein a county having a population of twenty thousand or more, and taxable property of three million five hundred thousand dollars or more in value.

148. The Legislature may confer upon the Circuit Court or the Chancery Court the jurisdiction of both of said courts. In counties having two or more courts of record, the Legislature may provide for the consolidation of all or any of such courts of record, except the Probate Court, with or without separate divisions, and a sufficient number of judges for the transaction of the business of such consolidated court.

149. The Legislature shall have power to establish in each county a court of Probate, with general jurisdiction of orphan's business and with power to grant letters testamentary and of administration; provided, that whenever any court having equity powers has taken jurisdiction of the settlement of any estate, it shall have power to do all things necessary for the settlement of such estate, including the appointment and removal of administrators, executors, guardians and trustees, and including action upon the resignation of either of them.

150. The Justices of the Supreme Court, Chancellors, and the Judges of the Circuit Courts and other courts of record, except Probate Courts shall at stated times, receive for their services a compensation which shall not be diminished during their official terms; they shall receive no fees or perquisites, nor hold any office, except judicial offices, of profit or trust under this

State or the United States, or any other government, during the term for which they have been elected or appointed.

151. The Supreme Court shall consist of one Chief Justice and such number of Associate Justices as may be prescribed by law.

152. The Chief Justice and Associate Justices of the Supreme Court, Judges of the Circuit Courts, Judges of Probate Courts, and Chancellors shall be elected by the qualified electors of the State, circuits, counties and chancery divisions, for which such courts may be established, at such times as may be prescribed by law, except as herein otherwise provided.

153. The Judges of such inferior courts of law and equity as may be by law established, shall be elected or appointed in such mode as the Legislature may prescribe.

154. Chancellors and Judges of all courts of record, shall have been citizens of the United States and of this State for five years next preceding their election or appointment, and shall not be less than twenty-five years of age, and, except Judges of Probate Courts, shall be learned in the law.

155. Except as otherwise provided in this article, the Chief Justice and Associate Justices of the Supreme Court, Circuit Judges, Chancellors, and Judges of Probate, shall hold office for the term of six years, and until their successors are elected or appointed, and qualified; and the right of such Judges and Chancellors to hold their offices for the full term hereby prescribed shall not be affected by any change hereafter made by law in any circuit, division or county, in the mode or time of election.

156. The Chief Justice and Associate Justices of the Supreme Court shall be chosen at an election to be held at the time and places fixed by law for the election of members of the House of Representatives of the Congress of the United States, until the Legislature shall by law change the time of holding such election. The term of office of the Chief Justice, who shall be elected in the year nineteen hundred and four, shall be as provided in the last preceding section. The succes-



sors of the two Associate Justices elected in the year nineteen hundred and four shall be elected in the year nineteen hundred and six, and the successors of the other two Associate Justices elected in nineteen hundred and four shall be elected in the year nineteen hundred and eight. The Associate Justices of said court elected in the year nineteen hundred and four shall draw or cast lots among themselves to determine which of them shall hold office for the terms ending, respectively, in the years nineteen hundred and six and nineteen hundred and eight, and until their respective successors are elected or appointed and qualified. The result of such determination shall be certified to the Governor, by such Associate Justices, or a majority of them, prior to the first day of January, nineteen hundred and five, and such certificate shall be entered upon the minutes of the court. In the event of the failure of said Associate Justices to make and certify such determination, the Governor shall designate the terms for which they shall respectively hold office, as above provided, and shall issue his proclamation accordingly. In the event of an increase or reduction by law of the number of Associate Justices of the Supreme Court, the Legislature shall, as nearly as may be, provide for the election, each second year, of one-third of the members of said court.

157. All judicial officers within their respective jurisdictions shall, by virtue of their offices, be conservators of the peace.

158. Vacancies in the office of any of the Justices of the Supreme Court or Judges who hold office by election, or Chancellors, of this State, shall be filled by appointment by the Governor. The appointee shall hold his office until the next general election for any State officer held at least six months after the vacancy occurs, and until his successor is elected and qualified; the successor chosen at such election shall hold office for the unexpired term and until his successor is elected and qualified.

159. Whenever any new circuit or chancery division is created the Judge or Chancellor therefor shall be elected at the next general election for any State of the United States.

officer for a term to expire at the next general election for Circuit Judges and Chancellors; provided, that if said new circuit or chancery division is created more than six months before such general election for any State officer, the Governor shall appoint some one as Judge or Chancellor, as the case may be, to hold the office until such election.

160. If in any case, civil or criminal, pending in any Circuit Court, Chancery Court, or in any court of general jurisdiction having any part of the jurisdiction of a Circuit and a Chancery Court, or either of them, in this State, the presiding Judge or Chancellor shall, for any legal cause, be incompetent to try, hear or render judgment in such case, the parties, or their attorneys of record, if it be a civil case, or the solicitor or prosecuting officer, and the defendant or defendants, if it be a criminal case, may agree upon some disinterested person practicing in the court and learned in the law, to act as special judge or chancellor to sit as a court, and to hear, decide and render judgment in the same manner and to the same effect as such incompetent Chancellor or Judge could have rendered but for such incompetency. If the case be a civil one, and the parties or their attorneys of record do not agree; or if it be a criminal one, and the prosecuting officer and the defendant or defendants do not agree upon a special Judge or Chancellor, or if either party in a civil cause is not represented in court, the Register in Chancery or the clerk of such Circuit or other court in which said cause is pending, shall appoint a special Judge or Chancellor, who shall preside, try and render judgment as in this section provided. The Legislature may prescribe other methods for supplying special Judges in such cases.

161. The Legislature shall have power to provide for the holding of Chancery and Circuit Courts, and for the holding of courts having the jurisdiction of Circuit and Chancery Courts, or either of them, when the Chancellors or Judges thereof fail to attend regular terms.

162. No Judge of any court of record in this State shall practice law in any of the courts of this State or

163. Registers in Chancery shall be appointed by the Chancellors of the respective divisions, and shall have been at least twelve months before their appointment, and shall be at the time of their appointment and during their continuance in office, resident citizens of the district for which they are appointed. They shall hold office for the term for which the Chancellor making such appointment was elected or appointed. Such registers shall receive as compensation for their services only such fees and commissions as may be specifically prescribed by law, which fees shall be uniform throughout the State.

164. The clerk of the Supreme Court shall be appointed by the Judges thereof, and shall hold office for the term of six years; and the clerks of such inferior courts as may be established by law shall be selected in such manner as the Legislature may provide.

165. Clerks of the Circuit Court shall be elected by the qualified electors in each county for the term of six years, and may, when appointed by the Chancellor, also fill the office of Register in Chancery. Vacancies in such office of clerk shall be filled by the Judge of the Circuit Court for the unexpired term.

166. The clerk of the Supreme Court and registers in Chancery may be removed from office by the Justices of the Supreme Court, and by the Chancellors, respectively, for cause, to be entered at length upon the minutes of the court.

167. A Solicitor for each Judicial Circuit or other territorial subdivision prescribed by the Legislature, shall be elected by the qualified electors of those counties in such circuit or other territorial subdivision in which such Solicitor prosecutes criminal cases, and such Solicitor shall be learned in the law, and shall at the time of his election and during his continuance in office, reside in a county (in the circuit) in which he prosecutes criminal cases, or other territorial subdivision for which he is elected, and his term of office shall be four years, and he shall receive no other compensation than a salary, to be prescribed by law, which shall not be increased during the term for which he was elected; provided, that

this article shall not operate to abridge the term of any Solicitor now in office; and, provided further, that the Solicitors elected in the year nineteen hundred and four shall hold office for six years, and until their successors are elected and qualified; and provided further, that the Legislature may provide by law for the appointment by the Governor or the election by the qualified electors of a county of a Solicitor for any county.

168. In each precinct not lying within, or partly within, any city or incorporated town of more than fifteen hundred inhabitants, there shall be elected by the qualified electors of such precinct not exceeding two Justices of the Peace and one Constable. Where one or more precincts lie within, or partly within, a city or incorporated town having more than fifteen hundred inhabitants, the Legislature may provide by law for the election of not more than two Justices of the Peace and one Constable, for each of such precincts, or an inferior court for such precinct or precincts, in lieu of all Justices of the Peace therein. Justices of the Peace, and the inferior courts in this section provided for, shall have jurisdiction in all civil cases where the amount in controversy does not exceed one hundred dollars, except in cases of libel, slander, assault and battery, and ejectment. The Legislature may provide by law what fees may be charged by Justices of the Peace and Constables, which fees shall be uniform throughout the State. The right of appeal from any judgment of a Justice of the Peace, or from any inferior court authorized by this section, without the prepayment of costs, and also the term of office of such Justices, and of the Judges of such inferior courts, and of Notaries Public, shall be provided for by law. The Governor may appoint Notaries Public without the powers of a Justice of the Peace, and may, except where otherwise provided by an act of the Legislature, appoint not more than one Notary Public with all of the powers and jurisdiction of a Justice of the Peace for each precinct in which the election of Justices of the Peace shall be authorized.

169. In all prosecutions for rape and assault with intent to ravish, the court may, in its discretion, exclude

from the court room all persons, except such as may be necessary in the conduct of the trial.

170. The style of all process shall be "The State of Alabama" and all prosecutions shall be carried on in the name and by the authority of the same, and shall conclude "Against the peace and dignity of the State."

171. The Legislature shall have the power to abolish any court, except the Supreme Court and the Probate Courts, whenever its jurisdiction and functions have been conferred upon some other court.

172. Nothing in this article shall be so construed as to abridge the term of office of any officer now in office.

## ARTICLE VII.

### IMPEACHMENTS.

173. The Governor, Lieutenant Governor, Attorney General, State Auditor, Secretary of State, State Treasurer, Superintendent of Education, Commissioner of Agriculture and Industries and Justices of the Supreme Court may be removed from office for wilful neglect of duty, corruption in office, incompetency, or intemperance in the use of intoxicating liquors or narcotics to such an extent, in view of the dignity of the office and importance of its duties, as unfits the officer for the discharge of such duties, or for any offense involving moral turpitude while in office, or committed under color thereof, or connected therewith, by the Senate sitting as a court of impeachment, under oath or affirmation, on articles or charges preferred by the House of Representatives. When the Governor or Lieutenant-Governor is impeached, the Chief Justice, or if he be absent or disqualified, then one of the Associate Justices of the Supreme Court to be selected by it, shall preside over the Senate when sitting as a court of impeachment. If at any time when the Legislature is not in session, a majority of all the members elected to the House of Representatives shall certify in writing to the Secretary of State their desire to meet to consider the impeachment of the Governor, Lieutenant-Governor or other

officer administering the office of Governor, it shall be the duty of the Secretary of State immediately to notify the Speaker of the House, who shall, within ten days after receipt of such notice summon the members of the House by publication in some newspaper published at the Capital, to assemble at the Capitol on a day to be fixed by the Speaker, not later than fifteen days after the receipt of the notice to him from the Secretary of State, to consider the impeachment of the Governor, Lieutenant Governor or other officer administering the office of Governor. If the House of Representatives prefer articles of impeachment, the Speaker of the House shall forthwith notify the Lieutenant Governor, unless he be the officer impeached, in which event he shall notify the Secretary of State, who shall summon, in the manner hereinabove provided for, the members of the Senate to assemble at the Capitol on a day to be named in said summons, not later than ten days after receipt of the notice from the Speaker of the House, for the purpose of organizing as a court of impeachment. The Senate, when thus organized, shall hear and try such articles of impeachment against the Governor, Lieutenant Governor or other officer administering the office of Governor, as may be preferred by the House of Representatives.

174. The Chancellors, Judges of the Circuit Courts, Judges of the Probate Courts, and Judges of other courts from which an appeal may be taken directly to the Supreme Court, and Solicitors and Sheriffs, may be removed from office for any of the causes specified in the preceding section or elsewhere in this Constitution, by the Supreme Court, under such regulations as may be prescribed by law. The Legislature may provide for the impeachment or removal of other officers than those named in this article.

175. The Clerks of the Circuit Courts, or courts of like jurisdiction, of Criminal Courts, Tax Collectors, Tax Assessors, County Treasurers, County Superintendents of Education, Judges of inferior courts created under authority of Section 168 of this Constitution, Coroners, Justices of the Peace, Notaries Public, Constables, and all other county officers, Mayors, intendants and all other officers of incorporated cities and towns in this

State, may be removed from office for any of the causes specified in Section 173 of this Constitution, by the Circuit or other courts of like jurisdiction or a Criminal Court of the county in which such officers hold their office, under such regulations as may be prescribed by law; provided, that the right of trial by jury and appeal in such cases shall be secured.

176. The penalties in cases arising under the three preceding sections shall not extend beyond removal from office, and disqualifications from holding office, under the authority of this State, for the term of which the officer was elected or appointed; but the accused shall be liable to indictment and punishment as prescribed by law.

## ARTICLE VIII.

### SUFFRAGE AND ELECTIONS.

177. Every male citizen of this State who is a citizen of the United States, and every male resident of foreign birth, who, before the ratification of this Constitution, shall have legally declared his intentions to become a citizen of the United States, 21 years old or upwards, not laboring under any of the disabilities named in this article, and possessing the qualifications required by it, shall be an elector, and shall be entitled to vote at any election by the people; provided, that all foreigners who have legally declared their intention to become citizens of the United States, shall, if they fail to become citizens thereof at the time they are entitled to become such, cease to have the right to vote until they become such citizens.

178. To entitle a person to vote at any election by the people, he shall have resided in the State at least two years, in the county one year, and in the precinct or ward three months, immediately preceding the election at which he offers to vote, and he shall have been duly registered as an elector, and shall have paid on or before the first day of February next preceding the date of the election at which he offers to vote, all poll taxes due from him for the year nineteen hundred and one, and for each subsequent year;

provided, that any elector who, within three months next preceding the date of the election at which he offers to vote, has removed from one precinct or ward to another precinct or ward in the same county, incorporated town or city, shall have the right to vote in the precinct or ward from which he has so removed, if he would have been entitled to vote in such precinct or ward but for such removal.

179. All elections by the people shall be by ballot, and all elections by persons in a representative capacity shall be *viva voce*.

180. The following male citizens of this State, who are citizens of the United States, and every male resident of foreign birth who, before the ratification of this Constitution, shall have legally declared his intention to become a citizen of the United States, and who shall not have had an opportunity to perfect his citizenship prior to the twentieth day of December, nineteen hundred and two, twenty-one years old or upwards, who, if their place of residence shall remain unchanged, will have, at the date of the next general election the qualifications as to residence prescribed in Section 178 of this Constitution, and who are not disqualified under Section 182 of this Constitution, shall, upon application, be entitled to register as electors prior to the twentieth day of December, nineteen hundred and two, namely:

First—All who have honorably served in the land or naval forces of the United States in the war of 1812, or in the war with Mexico, or in any war with the Indians, or in the war between the States, or in the war with Spain, or who honorably served in the land or naval forces of the Confederate States, or of the State of Alabama in the war between the States; or,

Second—The lawful descendants of persons who honorably served in the land or naval forces of the United States in the war of the American Revolution, or in the war of 1812, or in the war with Mexico, or in any war with the Indians, or in the War between the States, or in the land or naval forces of the Confederate States, or of the State of Alabama in the war between the States; or,



Third—All persons who are of good character and who understand the duties and obligations of citizenship under a republican form of government.

181. After the first day of January, nineteen hundred and three, the following persons, and no others, who, if their place of residence shall remain unchanged, will have, at the date of the next general election, the qualifications as to residence prescribed in Section 178 of this article, shall be qualified to register as electors; provided, they shall not be disqualified under Section 182 of this article:

First—Those who can read and write any article of the Constitution of the United States in the English language, and who are physically unable to work; and those who can read and write any article of the Constitution of the United States in the English language, and who have worked or been regularly engaged in some lawful employment, business or occupation, trade or calling for the greater part of the twelve months next preceding the time they offer to register; and those who are unable to read and write, if such inability is due solely to physical disability; or,

Second—The owner in good faith in his own right, or the husband of a woman who is the owner in good faith, in her own right, of forty acres of land situate in this State, upon which they reside; or the owner in good faith, in his own right, or the husband of any woman who is the owner in good faith, in her own right, of real estate situate in this State, assessed for taxation at the value of three hundred dollars or more, or the owner in good faith, in his own right, or the husband of a woman who is the owner in good faith, in her own right, of personal property in this State assessed for taxation at three hundred dollars or more; provided, that the taxes due upon such real or personal property for the year next preceding the year in which he offers to register shall have been paid, unless the assessment shall have been legally contested and is undetermined.

182. The following persons shall be disqualified, both from registering and from voting, namely:

All idiots and insane persons; those who shall by reason of conviction of crime be disqualified from voting at the time of the ratification of this Constitution; those who shall be convicted of treason, murder, arson, embezzlement, malfeasance in office, larceny, receiving stolen property, obtaining property or money under false pretenses, perjury, subornation of perjury, robbery, assault with intent to rob, burglary, forgery, bribery, assault and battery on the wife, bigamy, living in adultery, sodomy, incest, rape, miscegenation, crime against nature, or any crime punishable by imprisonment in the penitentiary, or of any infamous crime or crime involving moral turpitude; also, any person who shall be convicted as a vagrant or tramp, or of selling or offering to sell his vote or the vote of another, or buying or offering to buy the vote of another, or of making or offering to make a false return in any election by the people or in any primary election to procure the nomination or election of any person to any office, or of suborning any witness or registrar to secure the registration of any person as an elector.

183. No person shall be qualified to vote or participate in any primary election, party convention, mass meeting, or other method of party action of any political party or faction, who shall not possess the qualifications prescribed in this article for an elector, or who shall be disqualified from voting under the provisions of this article.

184. No person, not registered and qualified as an elector under the provisions of this article shall vote at the general election in nineteen hundred and two, or at any subsequent State, county or municipal election, general, local or special; but the provisions of this article shall not apply to any election held prior to the general election in the year nineteen hundred and two.

185. Any elector whose right to vote shall be challenged for any legal cause before an election officer shall be required to swear or affirm that the matter of the challenge is untrue before his vote shall be received, and any one who wilfully swears or affirms falsely thereto shall be guilty of perjury, and upon conviction thereof shall be imprisoned in the penitentiary for not less than one nor more than five years.

186. The Legislature shall provide by law for the registration, after the first day of January, nineteen hundred and three, of all qualified electors. Until the first day of January, nineteen hundred and three, all electors shall be registered under and in accordance with the requirements of this Section as follows:

First—Registration shall be conducted in each county by a board of three reputable and suitable persons resident in the county, who shall not hold any elective office during their term, to be appointed, within sixty days after the ratification of this Constitution, by the Governor, Auditor and Commissioner of Agriculture and Industries, or by a majority of them, acting as a Board of Appointment. If one or more of the persons appointed on such Board of Registration shall refuse, neglect or be unable to qualify or serve, or if a vacancy or vacancies occur in the membership of the Board of Registrars from any cause, the Governor, Auditor and Commissioner of Agriculture and Industries, or a majority of them, acting as a Board of Appointment, shall make other appointments to fill such Board. Each registrar shall receive two dollars per day, to be paid by the State, and disbursed by the several Judges of Probate, for each entire day's attendance upon the sessions of the Board. Before entering upon the performance of the duties of his office, each registrar shall take the same oath required of the judicial officers of the State, which oath may be administered by any person authorized by law to administer oaths. The oath shall be in writing and subscribed by the registrar, and filed in the office of the Judge of Probate of the county.

Second—Prior to the first day of August, nineteen hundred and two, the Board of Registrars in each county shall visit each precinct at least once and oftener if necessary to make a complete registration of all persons entitled to register, and shall remain there at least one day from eight o'clock in the morning until sunset. They shall give at least twenty days' notice of the time when, and the place in the precinct where they will attend to register applicants for registration, by bills posted at five or more public places in each election precinct, and by advertisement once a

week for three successive weeks in a newspaper, if there be one published in the county. Upon failure to give such notice, or to attend any appointment made by them in any precinct, they shall, after like notice, fill new appointments therein; but the time consumed by the board in completing such registration shall not exceed sixty working days in any county, except that in counties of more than nine hundred square miles in area, such board may consume seventy-five working days in completing the registration, and except that in counties in which there is any city of eight thousand or more inhabitants, the board may remain in session, in addition to the time hereinbefore prescribed, for not more than three successive weeks in each of such cities; and thereafter the board may sit from time to time in each of such cities not more than one week in each month, and except that in the county of Jefferson the board may hold an additional session of not exceeding five consecutive days duration for each session, in each town or city of more than one thousand and less than eight thousand inhabitants. No person shall be registered at the county site or in the precinct in which he resides. The registrars shall issue to each person registered a certificate of registration.

Third—The board of registrars shall not register any person between the 1st day of August, nineteen hundred and two, and the Friday next preceding the day of election in November, nineteen hundred and two. On Friday and Saturday next preceding the day of election in November, nineteen hundred and two, they shall sit in the court house of each county during such days, and shall register all applicants having the qualifications prescribed by Section 180 of this Constitution and not disqualified under Section 182, who shall have reached the age of twenty-one years after the first day of August, nineteen hundred and two, or who shall prave to the reasonable satisfaction of the board that, by reason of physical disability or unavoidable absence from the county, they had no opportunity to register prior to the first day of August, nineteen hundred and two, and they shall not on such days register any other persons. When there are two or more court houses in a county, the regis-

trars may sit during such two days at the court house they may select, but shall give ten days' notice, by bills posted at each of the court houses, designating the court house at which they will sit.

Fourth—The Board of Registrars shall hold sessions at the court house of their respective counties during the entire third week in November, nineteen hundred and two, and for six working days next prior to the twentieth day of December, nineteen hundred and two, during which sessions they shall register all persons applying who possess the qualifications prescribed in Section 180 of this Constitution, and who shall not be disqualified under Section 182. In counties where there are two or more court houses the Board of Registrars shall divide the time equally between them. The Board of Registrars shall give notice of the time and place of such sessions by posting notices at each court house in their respective counties, and at each voting place and at three other public places in the county, and by publication once a week for two consecutive weeks in a newspaper, if one be published in the county; such notices to be posted and such publications to be commenced as early as practicable in the first week of November, nineteen hundred and two. Failure on the part of the registrars to conform to the provisions of this article as to the giving of the required notices shall not invalidate any registration made by them.

Fifth—The Board of Registrars shall have power to examine under oath or affirmation all applicants for registration, and to take testimony touching the qualifications of such applicants. Each member of such board is authorized to administer the oath to be taken by the applicants and witnesses, which shall be in the following form, and subscribed by the person making it, and preserved by the board, namely: "I solemnly swear (or affirm that in the matter of the application of . . . . .for registration as an elector, I will speak the truth, the whole truth, and nothing but the truth, so help me God." Any person who upon such examination makes any wilfully false statement in reference to any material matter touching the qualification of any applicant for registration shall be guilty of perjury, and upon convict-

ion thereof shall be imprisoned in the penitentiary for not less than one nor more than five years.

Sixth—The action of the majority of the Board of Registrars shall be the action of the board, and a majority of the board shall constitute a quorum for the transaction of all business. Any person to whom registration is denied shall have the right of appeal, without giving security for costs, within thirty days after such denial, by filing a petition in the Circuit Court or Court of like jurisdiction held for the county in which he seeks to register, to have his qualifications as an elector determined. Upon the filing of the petition the clerk of the court shall give notice thereof to any Solicitor authorized to represent the State in said county, whose duty it shall be to appear and defend against the petition on behalf of the State. Upon such trial the court shall charge the jury only as to what constituted the qualifications that entitled the applicant to become an elector at the time he applied for registration, and the jury shall determine the weight and effect of the evidence and return a verdict. From the judgment rendered an appeal will lie to the Supreme Court in favor of the petitioner, to be taken within thirty days. Final judgment in favor of the petitioner shall entitle him to registration as of the date of his application to the registrars.

Seventh—The Secretary of State shall, at the expense of the State, have prepared and furnish to the registrars and Judges of Probate of the several counties a sufficient number of registration books and of blank forms of oaths, certificates of registration and notices required to be given by the registrars. The cost of the publication in newspapers of the notices required to be given by the registrars shall be paid by the State, the bills therefor to be rendered to the Secretary of State and approved by him.

Eighth—Any person who registers for another, or who registers more than once, and any registrar who enters the name of any person on the list of registered voters, without such person having made application in person under oath on a form provided for that purpose,

or who knowingly registers any person more than once, or who knowingly enters a name upon the registration list as the name of a voter, without any one of that name applying to register, shall be guilty of a felony, and upon conviction thereof shall be imprisoned in the penitentiary for not less than one nor more than five years.

187. The Board of Registrars in each county shall, on or before the first day of February, nineteen hundred and three, or as soon thereafter as is practicable, file in the office of the Judge of Probate of their county, a complete list sworn to by them of all persons registered in their county, showing the age of such persons so registered, with the precinct or ward in which each of such persons reside set opposite the name of such persons and shall also file a like list in the office of the Secretary of State. The Judge of Probate shall, on or before the first day of March, nineteen hundred and three, or as soon thereafter as practicable, cause to be made from such list in duplicate, in the books furnished by the Secretary of State, an alphabetical list by precincts of the persons shown by the list of the registrars to have been registered in the county, and shall file one of such alphabetical lists in the office of the Secretary of State; for which services by the Judges of Probate compensation shall be provided by the Legislature. The Judges of Probate shall keep both the original list filed by the registrars and the alphabetical list made therefrom as records in the office of the Judge of Probate of the county. Unless he shall become disqualified under the provisions of this article, any one who shall register prior to the first day of January, nineteen hundred and three, shall remain an elector during life, and shall not be required to register again unless he changes his residence, in which event he may register again on production of his certificate. The certificate of the registrars or of the Judge of Probate or of the Secretary of State shall be sufficient evidence to establish the fact of such life registration. Such certificate shall be issued free of charge to the elector, and the Legislature shall provide by law for the renewal of such certificate when lost, mutilated or destroyed.

188. From and after the first day of January, nineteen hundred and three, any applicant for registration may be required to state under oath, to be administered by the registrar or by any person authorized by law to administer oaths, where he lived during the five years next preceding the time at which he applies to register, and the name or names by which he was known during that period, and the names of his employer or employers, if any, during such period. Any applicant for registration who refuses to state such facts, or any of them, shall not be entitled to register, and any person so offering to register, who wilfully makes a false statement in regard to such matters or any of them, shall be guilty of perjury, and upon conviction thereof shall be imprisoned in the penitentiary for not less than one nor more than five years.

189. In the trial of any contested election, and in proceedings to investigate any election, and in criminal prosecutions for violations of the election laws, no person other than a defendant in such criminal prosecutions, shall be allowed to withhold his testimony on the ground that he may criminate himself or subject himself to public infamy; but such person shall not be prosecuted for any offense arising out of the transaction concerning which he testified, but may be prosecuted for perjury committed on such examination.

190. The Legislature shall pass laws not inconsistent with this Constitution to regulate and govern elections, and all such laws shall be uniform throughout the State; and shall provide by law for the manner of holding elections and of ascertaining the result of the same, and shall provide general registration laws not inconsistent with the provisions of this article, for the registration of all qualified electors from and after the first day of January, nineteen hundred and three. The Legislature shall also make provision by law, not inconsistent with this article, for the regulation of primary elections, and for punishing frauds at the same, but shall not make primary elections compulsory. The Leg-



islature shall by law provide for purging the registration list of the names of those who die, become insane, or convicted of crime or otherwise disqualified as electors under the provisions of this Constitution, and of any names which may have been fraudulently entered on such list by the Registrars; provided, that a trial by jury may be had on the demand of any person whose name is proposed to be stricken from the list.

191. It shall be the duty of the Legislature to pass adequate laws giving protection against the evils arising from the use of intoxicating liquors at all elections.

192. Electors shall in all cases, except treason, felony or breach of the peace, be privileged from arrest during their attendance at elections, or while going to or returning therefrom.

193. Returns of elections for members of the Legislature and for all civil officers who are to be commissioned by the Governor, except the Attorney General, State Auditor, Secretary of State, State Treasurer, Superintendent of Education, and Commissioner of Agriculture and Industries, shall be made to the Secretary of State.

194. The poll tax mentioned in this article shall be one dollar and fifty cents upon each male inhabitant of the State, over the age of twenty-one years, and under the age of forty-five years, who would not now be exempt by law; but the Legislature is authorized to increase the maximum age fixed in this section to not more than sixty years. Such poll tax shall become due and payable on the first day of October in each year, and become delinquent on the first day of the next succeeding February, but no legal process, nor any fee or commission shall be allowed for the collection thereof. The Tax Collector shall make returns of poll tax collections separate from other collections.

195. Any person who shall pay the poll tax of another, or advance him money for that purpose in order to influence his vote, shall be guilty of bribery, and upon conviction thereof shall be imprisoned in the penitentiary for not less than one nor more than five years.

196. If any section or subdivision of this article shall, for any reason be or be held by any court of competent jurisdiction and of final resort to be, invalid, in-

operative or void, the residue of this article shall not be thereby invalidated or affected.

## ARTICLE IX.

### REPRESENTATION.

197. The whole number of Senators shall be not less than one-fourth, or more than one-third of the whole number of Representatives.

198. The House of Representatives shall consist of not more than one hundred and five members, unless new counties shall be created, in which event each new county shall be entitled to one Representative. The members of the House of Representatives shall be apportioned by the Legislature among the several counties of the State, according to the number of inhabitants in them respectively, as ascertained by the decennial census of the United States, which apportionment when made shall not be subject to alteration until the next session of the Legislature after the next decennial census of the United States shall have been taken.

199. It shall be the duty of the Legislature at its first session after the taking of the decennial census of the United States in the year nineteen hundred and ten, and after each subsequent decennial census, to fix by law the number of Representatives, and apportion them among the several counties of the State, according to the number of inhabitants in them respectively; provided, that each county shall be entitled to at least one Representative.

200. It shall be the duty of the Legislature at its first session after taking of the decennial census of the United States in the year nineteen hundred and ten, and after each subsequent decennial census, to fix by law the number of Senators and to divide the State into as many Senatorial districts as there are Senators, which districts shall be as nearly equal to each other in the number of inhabitants as may be, and each shall be entitled to one Senator, and no more; and such districts when formed shall not be changed until the next apportioning session of the Legislature, after the next decennial

census of the United States shall have been taken; provided, that counties created after the next preceding apportioning session of the Legislature may be attached to Senatorial districts. No county shall be divided between two districts, and no district shall be made up of two or more counties not contiguous to each other.

201. Should any decennial census of the United States not be taken, or if when taken the same, as to this State be not full and satisfactory, the Legislature shall have power at its first session after the time shall have elapsed for the taking of said census, to provide for an enumeration of all the inhabitants of this State, upon which it shall be the duty of the Legislature to make the apportionment of Representatives and Senators as provided for in this article.

202. Until the Legislature shall make an apportionment of Representatives among the several counties, as provided in the preceding section, the counties of Autauga, Baldwin, Bibb, Blount, Cherokee, Chilton, Choctaw, Clay, Cleburne, Coffee, Colbert, Conecuh, Coosa, Covington, Crenshaw, Cullman, Dale, DeKalb, Escambia, Fayette, Franklin, Geneva, Greene, Lamar, Lawrence, Limestone, Macon, Marion, Marshall, Monroe, Pickens, Randolph, St. Clair, Shelby, Washington, and Winston, shall each have one Representative; the counties of Barbour, Bullock, Butler, Calhoun, Chambers, Clarke, Elmore, Etowah, Hale, Henry, Jackson, Lauderdale, Lee, Lowndes, Madison, Marengo, Morgan, Perry, Pike, Russell, Sumter, Talladega, Talapoosa, Tuscaloosa, Walker and Wilcox shall each have two Representatives; the counties of Dallas and Mobile shall each have three Representatives; the county of Montgomery shall have four Representatives; and the county of Jefferson shall have seven Representatives.

203. Until the Legislature shall divide the State into Senatorial districts, as herein provided, the Senatorial districts shall be as follows:

First district, Lauderdale and Limestone; Second district, Lawrence and Morgan; Third district, Blount, Cullman and Winston; Fourth district, Madison; Fifth

district, Jackson and Marshall; Sixth district, Etowah and St. Clair; Seventh district, Calhoun; Eighth district, Talladega; Ninth district, Chambers and Randolph; Tenth district, Tallapoosa and Elmore; Eleventh district, Tuscaloosa; Twelfth district, Fayette, Lamar and Walker; Thirteenth district, Jefferson; Fourteenth district, Pickens and Sumter; Fifteenth District, Autauga, Chilton and Shelby; Sixteenth district, Lowndes; Seventeenth district, Butler, Conecuh and Covington; Eighteenth district, Bibb and Perry; Nineteenth district, Choctaw, Clarke and Washington; Twentieth district, Marengo; Twenty-first district, Baldwin, Escambia and Monroe; Twenty-second district, Wilcox; Twenty-third district, Dale and Geneva; Twenty-fourth district, Barbour; Twenty-fifth district, Coffee, Crenshaw and Pike; Twenty-sixth district, Bullock and Macon; Twenty-seventh district, Lee and Russell; Twenty-eighth district, Montgomery; Twenty-ninth district, Cherokee and DeKalb; Thirtieth district, Dallas; Thirty-first district, Colbert, Franklin and Marion; Thirty-second district, Greene and Hale; Thirty-third district, Mobile; Thirty-fourth district, Cleburne, Clay and Coosa; Thirty-fifth district, Henry.

## ARTICLE X.

### EXEMPTIONS.

204. The personal property of any resident of this State to the value of one thousand dollars, to be selected by such resident, shall be exempted from sale on execution, or other process of any court, issued for the collection of any debt contracted since the thirteenth day of July, eighteen hundred and sixty-eight, or after the ratification of this Constitution.

205. Every homestead, not exceeding eighty acres, and the dwelling and appurtenances thereon, to be selected by the owner thereof, and not in any city, town or village, or in lieu thereof, at the option of the owner, any lot in a city, town or village, with the dwelling and appurtenances thereon owned and occupied by any resident of this State, and not exceeding the value of two

thousand dollars, shall be exempt from sale on execution or any other process from a court; for any debt contracted since the thirteenth day of July, eighteen hundred and sixty-eight, or after the ratification of this Constitution. Such exemption, however, shall not extend to any mortgage lawfully obtained, but such mortgage, or other alienation of said homestead by the owner thereof, if a married man, shall not be valid without the voluntary signature and assent of the wife to the same.

206. The homestead of a family, after the death of the owner thereof, shall be exempt from the payment of any debt contracted since the thirteenth day of July, eighteen hundred and sixty-eight, or after the ratification of this Constitution, in all cases, during the minority of the children.

207. The provisions of Secs. 204 and 205 of this Constitution shall not be so construed as to prevent a laborers' lien for work done and performed for the person claiming such exemption, or a mechanic's lien for work done on the premises.

208. If the owner of a homestead die, leaving a widow, but no children, such homestead shall be exempt, and the rents and profits thereof shall inure to her benefit.

209. The real and personal property of any female in this State, acquired before marriage, and all property, real and personal, to which she may afterwards be entitled by gift, grant, inheritance or devise, shall be and remain the separate estate and property of such female, and shall not be liable for any debts, obligations or engagements of her husband, and may be devised or bequeathed by her, the same as if she were a feme sole.

210. The right of exemption hereinbefore secured may be waived by an instrument in writing, and when such waiver relates to realty the instrument must be signed by both the husband and the wife, and attested by one witness.

## ARTICLE XI.

### TAXATION.

211. All taxes levied on property in this State shall be assessed in exact proportion to the value of

such property, but no tax shall be assessed upon any debt for rent or hire of real or personal property, while owned by the landlord or hirer during the current year of such rental or hire, if such real or personal property be assessed at its full value.

212. The power to levy taxes shall not be delegated to individuals or private corporations or associations.

213. After the ratification of this Constitution, no new debt shall be created against, or incurred by this State, or its authority, except to repel invasion or suppress insurrection, and then only by a concurrence of two-thirds of the members of each House of the Legislature and the vote shall be taken by yeas and nays and entered on the Journals; and any act creating or incurring any new debt against this State, except as herein provided for, shall be absolutely void; provided, the Governor may be authorized to negotiate temporary loans, never to exceed three hundred thousand dollars, to meet the deficiencies in the Treasury, and until the same is paid no new loan shall be negotiated; provided further, that this section shall not be so construed as to prevent the issuance of bonds for the purpose of refunding the existing bonded indebtedness of the State.

214. The Legislature shall not have the power to levy in any one year a greater rate of taxation than sixty-five one-hundredths of one per centum on the value of the taxable property within this State.

215. No county in this State shall be authorized to levy a greater rate of taxation in any one year on the value of the taxable property therein than one-half of one per centum; provided, that to pay debts existing on the sixth day of December, eighteen hundred and seventy-five, an additional rate of one-fourth of one per centum may be levied and collected which shall be appropriated exclusively to the payment of such debts and the interest thereon; provided further, that to pay any debt or liability now existing against any county, incurred for the erection, construction or maintenance of the necessary public buildings or bridges, or that may hereafter be erected for the erection of necessary public buildings, bridges or roads, any county may levy

and collect such special taxes, not to exceed one-fourth of one per centum, as may have been or may hereafter be authorized by law, which taxes so levied and collected shall be applied exclusively to the purposes for which the same was so levied and collected.

216. No city, town, village or other municipal corporation, other than as provided in this article, shall levy or collect a higher rate of taxation in any one year on the property situated therein than one-half of one per centum of the value of such property as assessed for State taxation during the preceding year; provided that for the purpose of paying debts existing on the sixth day of December, eighteen hundred and seventy-five, and the interest thereon, a tax of one per centum may be levied and collected, to be applied exclusively to the payment of such indebtedness; and provided further that this section shall not apply to the city of Mobile, which city may from and after the ratification of this Constitution levy a tax not to exceed the rate of three-fourths of one per centum to pay the expenses of the city government, and may also levy a tax not to exceed three-fourths of one per centum to pay the debt existing on the sixth day of December, eighteen hundred and seventy-five, with interest thereon, or any renewal of such debt; and provided further, that this section shall not apply to the cities of Birmingham, Huntsville and Bessemer, and the town of Andalusia, which cities and town may levy and collect a tax not to exceed one-half of one per centum in addition to the tax of one-half of one per centum as hereinbefore allowed to be levied and collected, such special tax to be applied exclusively to the payment of interest on bonds of said cities of Birmingham, Huntsville and Bessemer and town of Andalusia, respectively, heretofore issued in pursuance of law, or now authorized by law to be issued, and for a sinking fund to pay off said bonds at the maturity thereof; and provided further, that this section shall not apply to the city of Montgomery, which city shall have the right to levy and collect a tax of not exceeding one-half of one per centum per annum upon the value of the taxable property therein, as fixed for State taxation, for general purposes, and an addi-

tional tax of not exceeding three-fourths of one per centum per annum upon the value of the property therein, as fixed for State taxation, to be devoted exclusively to the payment of its public debt, interest thereon, and renewals thereof, and to the maintenance of its public schools, and public conveniences; and provided further, that this section shall not apply to Troy, Attalla, Gadsden, Woodlawn, Brewton, Pratt City, Ensley, Wylam and Avondale, which cities and towns may from and after the ratification of this Constitution, levy and collect an additional tax of not exceeding one-half of one per centum; and provided further, that this section shall not apply to the cities of Decatur, New Decatur and Cullman, which cities may from and after the ratification of this Constitution, levy and collect an additional tax of not exceeding three-tenths of one per centum per annum; such special tax of said city of Decatur to be applied exclusively for the public schools, public school buildings, and public improvements; and such special tax of New Decatur and Cullman to be applied exclusively for educational purposes, and to be expended under their respective Boards of Public School Trustees; but this additional tax shall not be levied by Troy, Attalla, Gadsden, Woodlawn, Brewton, Pratt City, Ensley, Wylam, Avondale, Decatur, New Decatur or Cullman unless authorized by a majority vote of the qualified electors voting at a special election held for the purpose of ascertaining whether or not said tax shall be levied; and provided further, that the purposes for which such special tax is sought to be levied shall be stated in such election call, and, if authorized, the revenue derived from such special tax shall be used for no other purpose than that stated; and provided further, that the additional tax authorized to be levied by the city of Troy, when so levied and collected, shall be used exclusively in the payment of the bonds and interest coupons thereon, hereafter issued in the adjustment of the present bonded indebtedness of said city; and provided further, that the additional tax authorized to be levied and collected by the city of Attalla shall, when so levied and collected, be used exclusively in the payment of bonds to the amount of not



exceeding twenty-five thousand dollars and the interest coupons thereon, hereafter to be issued in the adjustment of the present indebtedness of said city; provided further, that the governing boards of said cities, which are authorized to levy an additional tax after the holding of an election as aforesaid, are hereby authorized to provide by ordinance the necessary machinery for the holding of said election and declaring the result thereof.

217. The property of private corporations, associations and individuals of this State shall forever be taxed at the same rate; provided, this section shall not apply to institutions devoted exclusively to religious, educational or charitable purposes.

218. The Legislature shall not have the power to require counties or other municipal corporations to pay any charges which are now payable out of the State Treasury.

219. The Legislature may levy a tax of not more than two and one-half per centum of the value of all estates, real and personal, money, public and private securities of every kind in this State, passing from any person who may die seized and possessed thereof, or of any part of such estate, money or securities, or interest therein, transferred by the intestate laws of this State, or by will, deed, grant, bargain, sale or gift, made or intended to take effect in possession after the death of the grantor, deviser, or donor, to any person or persons, bodies politic or corporate, in trust or otherwise, other than to or for the use of the father, mother, husband, wife, brothers, sisters, children or lineal descendants of the grantor, deviser, donor or intestate.

## ARTICLE XII.

### CORPORATIONS.

#### MUNICIPAL CORPORATIONS.

220. No person, firm, association or corporation shall be authorized or permitted to use the streets, avenues, alleys or public places of any city, town or village for the construction or operation of any public

utility or private enterprise, without first obtaining the consent of the proper authorities of such city, town or village.

221. The Legislature shall not enact any law which will permit any person, firm, corporation or association to pay a privilege, license or other tax to the State of Alabama, and relieve him or it from the payment of all other privilege and license taxes in the State.

222. The Legislature, after the ratification of this Constitution, shall have authority to pass general laws authorizing the counties, cities, towns, villages, districts or other political subdivisions of counties, to issue bonds, but no bonds shall be issued under authority of a general law unless such issue of bonds be first authorized by a majority vote by ballot of the qualified voters of such county, city, town, village, district, or other political subdivision of a county, voting upon such proposition. The ballot used at such election shall contain the words "For ..... bond issue," and "Against.....  
.....bond issue," (the character of the bond to be shown in the blank space), and the voter shall indicate his choice by placing a cross mark before or after the one or the other. This section shall not apply to the renewal, refunding, or reissue of bonds lawfully issued, nor to the issuance of bonds in cases where the same have been authorized by laws enacted prior to the ratification of this Constitution, nor shall this section apply to obligations incurred or bonds to be issued to procure means to pay for street and sidewalk improvements or sanitary or storm water sewers, the cost of which is to be assessed, in whole or in part, against the property abutting said improvements or drained by such sanitary or storm water sewers.

223. No city, town or other municipality shall make any assessments for the cost of sidewalks or street paving, or for the cost of the construction of any sewers against property abutting on such street or sidewalk so paved, or drained by such sewers, in excess of the increased value of such property by reason of the special benefits derived from such improvements.

224. No county shall become indebted in an amount, including present indebtedness, greater than three and one-half per centum of the assessed value of the property therein; provided, this limitation shall not affect any existing indebtedness in excess of such three and one-half per centum, which has already been created or authorized by existing law to be created; provided, that any county which has already incurred a debt exceeding three and one-half per centum of the assessed value of the property therein, shall be authorized to incur an indebtedness of one and a half per centum of the assessed value of such property in addition to the debt already existing. Nothing herein contained shall prevent any county from issuing bonds, or other obligations, to fund or refund any indebtedness now existing or authorized by existing laws to be created.

225. No city, town or other municipal corporation having a population of less than six thousand, except as hereinafter provided, shall become indebted in an amount, including present indebtedness, exceeding five per centum of the assessed value of the property therein, except for the construction or purchase of water works, gas or electric lighting plants, or sewerage, or for the improvement of streets, for which purposes an additional indebtedness not exceeding three per centum may be created; provided, this limitation shall not affect any debt now authorized by law to be created nor any temporary loans to be paid within one year, made in anticipation of the collection of taxes, not exceeding one-fourth of the annual revenues of such city or town. All towns and cities having a population of six thousand or more, also Gadsden, Ensley, Decatur, New Decatur, are hereby authorized to become indebted in an amount, including present indebtedness, not exceeding seven per centum of the assessed valuation of the property therein, provided that there shall not be included in the limitation of the indebtedness of such last described cities and towns the following classes of indebtedness, to-wit: temporary loans, to be paid within one year, made in anticipation of the collection of taxes, and not exceeding one-fourth of the general revenues, bonds or other obligations already is-

sued, or which may hereafter be issued for the purpose of acquiring, providing or constructing school houses, water works and sewers; and obligations incurred and bonds issued for street or sidewalk improvements, where the cost of the same, in whole or in part, is to be assessed against the property abutting said improvements; provided, that the proceeds of all obligations issued as herein provided, in excess of said seven per centum shall not be used for any purpose other than that for which said obligations were issued. Nothing contained in this article shall prevent the funding or refunding of existing indebtedness. This section shall not apply to the cities of Sheffield and Tuscumbia.

226. No city, town or village, whose present indebtedness exceeds the limitation imposed by this Constitution, shall be allowed to become indebted in any further amount, except as otherwise provided in this Constitution, until such indebtedness shall be reduced within such limit; provided, however, that nothing herein contained shall prevent and municipality, except the city of Gadsden, from issuing bonds already authorized by law; provided further, that this section shall not apply to the cities of Sheffield and Tuscumbia.

227. Any person, firm, association or corporation, who may construct or operate any public utility along or across the public streets of any city, town or village, under any privilege of franchise permitting such construction or operation, shall be liable to abutting proprietors for the actual damages done to the abutting property on account of such construction or operation.

228. No city or town having a population of more than six thousand shall have authority to grant to any person, firm, corporation or association the right to use its streets, avenues, alleys or public places for the construction or operation of waterworks, gas works, telephone or telegraph lines, electric light or power plants, steam or other heating plants, street railroads, or any other public utility, except railroads other than street railroads, for a longer period than thirty years.

## PRIVATE CORPORATIONS.

229. The Legislature shall pass no special act conferring corporate powers, but it shall pass general laws under which corporations may be organized and corporate powers obtained, subject, nevertheless, to repeal at the will of the Legislature; and shall pass general laws under which charters may be altered or amended. The Legislature shall, by general law, provide for the payment to the State of Alabama of a franchise tax by corporations organized under the laws of this State, which shall be in proportion to the amount of capital stock; but strictly benevolent, educational or religious corporations shall not be required to pay such a tax. The charter of any corporation shall be subject to amendment, alteration or repeal under general laws.

230. All existing charters, under which a bona fide organization shall not have taken place and business commenced in good faith within twelve months from the time of the ratification of this Constitution, shall thereafter have no validity.

231. The Legislature shall not remit the forfeiture of the charter of any corporation now existing nor alter or amend the same, nor pass any general or special law for the benefit of such corporation, other than in execution of a trust created by law or by contract, except upon condition that such corporation shall thereafter hold its charter subject to the provisions of this Constitution.

232. No foreign corporation shall do any business in this State without having at least one known place of business and an authorized agent or agents therein and without filing with the Secretary of State a certified copy of its articles of incorporation or association. Such corporation may be sued in any county where it does business, by service of process upon an agent anywhere in the State. The Legislature shall, by general law, provide for the payment to the State of Alabama of a franchise tax by such corporation, but such franchise tax shall be based on the actual amount of capital employed in this State. Strictly benevolent, educational or religious corporations shall not be required to pay such a tax.

233. No corporation shall engage in any business other than that expressly authorized in its charter or articles of incorporation.

234. No corporation shall issue stocks or bonds except for money, labor done, or property actually received; and all fictitious increase of stock or indebtedness shall be void. The stock and bonded indebtedness of corporations shall not be increased except in pursuance of general laws, nor without the consent of the persons holding the larger amount in value of stock, first obtained at a meeting to be held after thirty days' notice, given in pursuance of law.

235. Municipal and other corporations and individuals invested with the privilege of taking property for public use, shall make just compensation, to be ascertained as may be provided by law, for the property taken, injured or destroyed by the construction or enlargements of its works, highways or improvements, which compensation shall be paid before such taking, injury or destruction. The Legislature is hereby prohibited from denying the right of appeal from any preliminary assessment of damages against any such corporations or individuals made by viewers or otherwise, but such appeal shall not deprive those who have obtained the judgment or condemnation from a right of entry, provided the amount of damages assessed shall have been paid in the court in money, and a bond shall have been given in not less than double the amount of the damages assessed, with good and sufficient sureties, to pay such damages as the property owner may sustain; and the amount of damages in all cases of appeals shall on the demand of either party, be determined by a jury according to law.

236. Dues from private corporations shall be secured by such means as may be prescribed by law; but in no case shall any stockholder be individually liable otherwise than for the unpaid stock owned by him or her.

237. No corporation shall issue preferred stock without the consent of the owners of two-thirds of the stock of said corporation.

238. The Legislature shall have the power to alter, amend or revoke any charter of incorporation now existing and revokable at the ratification of this Constitution, or any that may be hereafter created, whenever, in its opinion, such charter may be injurious to the citizens of this State, in such manner, however, that no injustice shall be done to the stockholders.

239. Any association or corporation organized for the purpose, or any individual, shall have the right to construct and maintain lines of telegraph and telephone within this State, and connect the same with other lines; and the Legislature shall, by general law of uniform operation, provide reasonable regulations to give full effect to this section. No telegraph or telephone company shall consolidate with or hold a controlling interest in the stock or bonds of any other telegraph or telephone company owning a competing line, or acquire, by purchase or otherwise, any other competing line of telegraph or telephone.

240. All corporations shall have the right to sue, and shall be subject to be sued, in all courts in like cases as natural persons.

241. The term "corporation," as used in this article, shall be construed to include all joint stock companies, and all associations having any of the powers or privileges of corporations, not possessed by individuals or partnerships.

#### RAILROADS AND CANALS.

242. All railroads and canals not constructed and used exclusively for private purposes, shall be public highways, and all railroads and canal companies shall be common carriers. Any association or corporation organized for the purpose shall have the right to construct and operate a railway between any points in this State, and connect at the State line, with railroads of other States. Every railroad company shall have the right with its road to intersect, connect with, or cross any other railroad, and each shall receive and transport the freight, passengers and cars, loaded or empty, of the others, without delay or discrimination.

243. The power and authority of regulating railroad freight and passenger tariffs, the locating and building of passenger and freight depots, correcting abuses, preventing unjust discrimination and extortion and requiring reasonable and just rates of freight and passenger tariffs, are hereby conferred upon the Legislature, whose duty it shall be to pass laws from time to time regulating freight and passenger tariffs, to prohibit unjust discrimination on the various railroads, canals and rivers of the State, and to prohibit the charging of other than just and reasonable rates and enforce the same by adequate penalties.

244. No railroad or other transportation company or corporation shall grant free passes or sell tickets or passes at a discount, other than as sold to the public generally, to any member of the Legislature or to any officer exercising judicial functions under the laws of this State; and any such member or officer receiving such a pass or ticket for himself, or procuring the same for another, shall be guilty of a misdemeanor, and, upon conviction, shall be fined not exceeding five hundred dollars, and at the discretion of the court trying the case, in addition to such fine, may be imprisoned for a term not exceeding six months, and upon conviction, shall be subject to impeachment and removal from office. The courts having jurisdiction shall give this law specially in charge to the Grand Juries, and when the evidence is sufficient to authorize an indictment, the Grand Jury must present a true bill. The Circuit Court or any court of like jurisdiction in any county into or through which such member or officer is transported by the use of such prohibited pass or ticket, shall have jurisdiction of the case, provided only one prosecution shall be had for the same offense; and provided further, that the trial and judgment for one offense shall not bar a prosecution for another offense, when the same pass or ticket is used; and provided further, that nothing herein shall prevent a member of the Legislature who is a bona fide employe of a railroad or other transportation company or corporation at the time of his election, from accepting or procuring for himself or another, not a member of the Leg-



islature, or officer exercising judicial functions, a free pass over the railroads or other transportation company or corporation by which he is employed.

245. No railroad company shall give or pay any rebate, or a bonus in the nature thereof, directly or indirectly, or do any act to mislead or deceive the public as to the real rates charged or received for freights or passage; and any such payments shall be illegal and void, and these prohibitions shall be enforced by suitable penalties.

246. No railroad, canal or transportation company in existence at the time of the ratification of this Constitution, shall have the benefit of any future legislation by general or special laws other than in execution of a trust created by law or by contract, except on the condition of complete acceptance of all the provisions of this article.

## ARTICLE XIII.

### BANKS AND BANKING.

247. The Legislature shall not have the power to establish or incorporate any bank or banking company or money institution for the purpose of issuing bills of credit or bills payable to order or bearer, except under the conditions prescribed in this Constitution.

248. No bank shall be established otherwise than under a general banking law nor otherwise than upon a specie basis; provided, that any bank may be established with authority to issue bills to circulate as money in an amount equal to the face value of bonds of the United States, or of this State, convertible into specie at their face value, which shall, before such bank is authorized to issue its bills for circulation, be deposited with the State Treasurer, or other depository prescribed by law, in an amount equal to the aggregate of such proposed issue, with power in such treasurer or depository to dispose of any or all of such bonds for a sufficient amount of specie to redeem the circulating notes of such bank at any time and without delay, should such bank suspend

specie payment or fail to redeem its notes on demand.

249. All bills or notes issued as money shall be at all times redeemable in gold or silver, and no law shall be passed sanctioning directly or indirectly, the suspension by any bank or banking company of specie payment.

250. Holders of bank notes, and depositors who have not stipulated for interest, shall, for such notes and deposits, be entitled in case of insolvency, to the preference of payment over all other creditors; provided, this section shall apply to all banks whether incorporated or not.

251. Every bank or banking company shall be required to cease all banking operations within twenty years from the time of its organization, unless the time be extended by law, and promptly thereafter close its business; but after it has closed its business it shall have corporate capacity to sue and shall be liable to suits until its affairs and liabilities are fully closed.

252. No bank shall receive, directly or indirectly, a greater rate of interest than shall be allowed by law to individuals for lending money.

253. Neither the State nor any political subdivision thereof shall be a stockholder in any bank, nor shall the credit of the State or any political subdivision thereof be given or lent to any banking company, association or corporation.

254. The Legislature shall by appropriate laws provide for the examination, by some public officer, of all banks and banking institutions and trust companies engaged in banking business in this State; and each of such banks and banking companies or institutions shall, through its president or such other officer as the Legislature may designate, make a report under oath of its resources and liabilities at least twice a year.

255. The provisions of this article shall apply to all banks except National banks, and to all trust companies and individuals doing a banking business, whether incorporated or not.

## ARTICLE XIV.

## EDUCATION.

256. The Legislature shall establish, organize and maintain a liberal system of public schools throughout the State for the benefit of the children thereof between the ages of seven and twenty-one years. The public school fund shall be apportioned to the several counties in proportion to the number of school children of school age therein, and shall be so apportioned to the schools in the districts or townships in the county as to provide, as nearly as practicable, school terms of equal duration in such school districts or townships. Separate schools shall be provided for white and colored children, and no child of either race shall be permitted to attend a school of the other race.

257. The principal of all funds arising from the sale or other disposition of lands or other property, which has been or may hereafter be granted or entrusted to this State or given by the United States for educational purposes shall be preserved inviolate and undiminished; and the income arising therefrom shall be faithfully applied to the specific object of the original grants or appropriations.

258. All lands or other property given by individuals, or appropriated by the State for educational purposes and all estates of deceased persons who die without leaving a will or heir shall be faithfully applied to the maintenance of the public schools.

259. All poll taxes collected in this State shall be applied to the support of the public schools in the respective counties where collected.

260. The income arising from the Sixteenth Section trust fund, the surplus revenue fund, until it is called for by the United States government, and the funds enumerated in Sections 257 and 258 of this Constitution, together with a special annual tax of thirty cents on each one hundred dollars of taxable property in this State, which the Legislature shall levy, shall be applied to the support and maintenance of the public schools, and it shall be the duty of the Legislature to increase the public school fund from time to

time as the necessity therefor and the condition of the treasury and the resources of the State may justify; provided, that nothing herein contained shall be so construed as to authorize the Legislature to levy in any one year a greater rate of State taxation for all purposes, including schools, than sixty-five cents on each one hundred dollars worth of taxable property; and provided further, that nothing herein contained shall prevent the Legislature from first providing for the payment of the bonded indebtedness of the State and interest thereon out of all the revenues of the State.

261. Not more than four per cent. of all moneys raised or which may hereafter be appropriated for the support of public schools, shall be used or expended otherwise than for the payment of teachers employed in such schools; provided, that the Legislature may, by a vote of two-thirds of each House, suspend the operation of this section.

262. The supervision of the public schools shall be vested in a Superintendent of Education, whose powers, duties and compensation shall be fixed by law.

263. No money raised for the support of the public schools shall be appropriated to or used for the support of any sectarian or denominational school.

264. The State University shall be under the management and control of a board of trustees which shall consist of two members from the Congressional district in which the University is located, one from each of the other Congressional districts in the State, the Superintendent of Education and the Governor, who shall be ex-officio president of the board. The members of the Board of Trustees as now constituted shall hold office until their respective terms expire under existing law, and until their successors shall be elected and confirmed as hereinafter required. Successors to those trustees whose terms expire in nineteen hundred and two shall hold office until nineteen hundred and seven; successors to those trustees whose terms expire in nineteen hundred and four shall hold office until nineteen hundred and eleven; successors to those trustees whose terms expire in nineteen hundred and six shall hold office until nineteen hundred and fifteen; and thereafter their successors shall hold office for a term of

twelve years. When the term of any member of such board shall expire, the remaining members of the board shall by secret ballot elect his successor; provided, that any trustee so elected shall hold office from the date of his election until his confirmation or rejection by the Senate, and, if confirmed, until the expiration of the term for which he was elected, and until his successor is elected. At every meeting of the Legislature the Superintendent of Education shall certify to the Senate the names of all who shall have been so elected since the last session of the Legislature, and the Senate shall confirm or reject them, as it shall determine is for the best interest of the University. If it reject the names of any members, it shall thereupon elect trustees in the stead of those rejected. In case of a vacancy on said board by death or resignation of a member, or from any cause other than the expiration of his term of office, the board shall elect his successor who shall hold office until the next session of the Legislature. No trustee shall receive any pay or emolument other than his actual expenses incurred in the discharge of his duties as such.

265. After the ratification of this Constitution there shall be paid out of the treasury of this State at the time and in the manner provided by law, the sum of not less than thirty-six thousand dollars per annum as interest on the funds of the University of Alabama, heretofore covered into the treasury, for the maintenance and support of said institution; provided, that the Legislature shall have the power at any time they deem proper for the best interest of said University to abolish the military system at said institution, or reduce the said system to a department of instruction, and that such action on the part of the legislature shall not cause any diminution of the amount of the annual interest payable out of the treasury for the support and maintenance of said University.

266. The Alabama Polytechnic Institute, formerly called the Agricultural and Mechanical College, shall be under the management and control of a Board of Trustees, which shall consist of two members from the Congressional district in which the institute is located, and one from each of the other Congressional districts

in the State, the State Superintendent of Education and the Governor, who shall be ex-officio president of the board. The trustees shall be appointed by the Governor, by and with the advice and consent of the Senate, and shall hold office for a term of twelve years, and until their successors shall be appointed and qualified. The board shall be divided into three classes, as nearly equal as may be, so that one-third may be chosen quadriennially. Vacancies occurring in the office of trustees from death or resignation, and the vacancies regularly occurring in the year nineteen hundred and five shall be filled by the Governor, and such appointee shall hold office until the next meeting of the Legislature. Successors to those trustees whose terms expire in nineteen hundred and three shall hold office until nineteen hundred and eleven; successors to those whose terms expire in nineteen hundred and five shall hold office until nineteen hundred and fifteen; and successors to those whose terms expire in nineteen hundred and seven shall hold office until nineteen hundred and nineteen. No trustee shall receive any pay or emolument other than his actual expenses incurred in the discharge of his duties as such.

267. The Legislature shall not have power to change the location of the State University, or the Alabama Polytechnic Institute, or the Alabama schools for the Deaf and Blind, or the Alabama Girls' Industrial school, as now established by law, except upon a vote of two-thirds of the Legislature taken by yeas and nays and entered upon the Journals.

268. The Legislature shall provide for taking a school census by townships and districts throughout the State not oftener than once in two years, and shall provide for the punishment of all persons or officers making false and fraudulent enumerations and returns; provided, the State Superintendent of Education may order and supervise the taking of a new census in any township, district or county, whenever he may have reasonable cause to believe that false or fraudulent returns have been made.

269. The several counties in this State shall have power to levy and collect a special tax not exceeding ten cents on each one hundred dollars

of taxable property in such counties, for the support of public schools; provided, that the rate of such tax, the time it is to continue, and the purpose thereof, shall have been first submitted to a vote of the qualified electors of the county, and voted for by three-fifths of those voting at such election; but the rate of such special tax shall not increase the rate of taxation, State and county combined, in any one year, to more than one dollar and twenty-five cents on each one hundred dollars of taxable property; excluding, however, all special county taxes for public buildings, roads, bridges and the payment of debts existing at the ratification of the Constitution of eighteen hundred and seventy-five. The funds arising from such special school tax shall be apportioned and paid through the proper school officials to the several schools in the townships and districts in the county that the school terms of the respective schools shall be extended by such supplement as nearly the same length of time as practicable; provided, that this section shall not apply to the cities of Decatur, New Decatur and Cullman.

270. The provisions of this article and of any act of the Legislature passed in pursuance thereof to establish, organize and maintain a system of public schools throughout the State, shall apply to Mobile county only so far as to authorize and require the authorities designated by law to draw the portions of the funds to which said county shall be entitled for school purposes and to make reports to the Superintendent of Education as may be prescribed by law; and all special incomes and powers of taxation as now authorized by law for the benefit of public schools in said county shall remain undisturbed until otherwise provided by the Legislature; provided, that separate schools for each race shall always be maintained by said school authorities.

## ARTICLE XV.

### MILITIA.

271. The Legislature shall have power to declare who shall constitute the militia of the State, and

to provide for organizing, arming and disciplining the same; and the Legislature may provide for the organization of a State Naval Militia.

272. The Legislature, in providing for the organization, equipment and discipline of the militia, shall conform as nearly as practicable to the regulations for the government of the armies of the United States.

273. Each company and regiment shall elect its own company and regimental officers; but if any company or regiment shall neglect to elect such officers within the time prescribed by law, they may be appointed by the Governor.

274. Volunteer organizations of infantry, cavalry, and artillery and naval militia may be formed in such manner and under such restrictions and with such privileges as may be provided by law.

275. The militia and volunteer forces shall, in all cases, except treason, felony and breach of the peace, be privileged from arrest during their attendance at musters, parades and elections and in going to and returning from the same.

276. The Governor shall, with the advice and consent of the Senate, appoint all general officers, whose terms of office shall be four years. The Governor, the generals and regimental and batallion commanders shall appoint their own staffs, as may be provided by law.

277. The Legislature shall provide for the safe-keeping of the arms, ammunition and accoutrements, and military records, banners and relics of the State.

278. The officers and men of the militia and volunteer forces shall not be entitled to or receive any pay, rations or emoluments when not in active service.

## ARTICLE XVI.

### OATH OF OFFICE.

279. All members of the Legislature, and all officers, executive and judicial, before they enter upon the execution of the duties of their respective offices, shall take the following oath or affirmation:

"I, \_\_\_\_\_, solemnly swear (or affirm, as the case may be), that I will support the Constitution of the United States, and the Constitution of the State of Ala-



bama, so long as I continue a citizen thereof; and that I will faithfully and honestly discharge the duties of the office upon which I am about to enter, to the best of my ability. So help me God."

This oath may be administered by the presiding officer of either House of the Legislature, or by any officer authorized by law to administer an oath.

## ARTICLE XVII.

### MISCELLANEOUS PROVISIONS.

280. No person holding an office of profit under the United States, except postmasters, whose annual salaries do not exceed two hundred dollars, shall during his continuance in such office hold any office of profit under this State; nor, unless otherwise provided in this Constitution, shall any person hold two offices of profit at one and the same time under this State, except Justices of the Peace, Constables, Notaries Public, and Commissioners of Deeds.

281. The salary, fees or compensation of any officer holding any civil office of profit under this State or any county or municipality thereof, shall not be increased or diminished during the term for which he shall have been elected or appointed.

282. It is made the duty of the Legislature to enact all laws necessary to give effect to the provisions of this Constitution.

283. The act of the General Assembly of Alabama, entitled "An Act to consolidate and adjust the bonded debt of the State of Alabama," approved February 18th, 1895, and an act amendatory thereof entitled "An Act to amend Section 6 of an act to consolidate and adjust the bonded debt of the State of Alabama, approved February 18th, 1895," which said last named act was approved February 16th, 1899, are hereby made valid, and both of said acts shall have the full force and effect of law, except insofar as they authorize the redemption before maturity of the bonds authorized by said acts to be issued. The Governor is authorized and empowered to act under the same and to carry out all the provisions

thereof; provided, that the bonds authorized to be issued by said acts and issued thereunder may be made payable at any time, not exceeding fifty years from the date thereof, and shall not be redeemable until their maturity.

## ARTICLE XVIII.

### MODE OF AMENDING THE CONSTITUTION.

284. Amendments may be proposed to this Constitution by the Legislature in the manner following: The proposed amendments shall be read in the House in which they originate on three several days, and if upon the third reading three-fifths of all the members elected to that House shall vote in favor thereof the proposed amendments shall be sent to the other House, in which they shall likewise be read on three several days, and if upon the third reading three-fifths of all the members elected to that House shall vote in favor of the proposed amendments, the Legislature shall order an election by the qualified electors of the State upon such proposed amendments, to be held either at the general election next succeeding the session of the Legislature at which the amendments are proposed or upon another day appointed by the Legislature not less than three months after the final adjournment of the session of the Legislature at which the amendments were proposed. Notice of such election, together with the proposed amendments, shall be given by proclamation of the Governor, which shall be published in every county in such manner as the Legislature shall direct, for at least eight successive weeks next preceding the day appointed for such election. On the day so appointed an election shall be held for the vote of the qualified electors of the State upon the proposed amendments. If such election be held on the day of the general election, the officers of general election shall open a poll for the vote of the qualified electors on the proposed amendments; if it be held on a day other than that of a general election, officers for such election shall be appointed, and the election shall be held in all things in accordance with the law governing general elections.

In all elections upon such proposed amendments, the votes cast thereat shall be canvassed, tabulated, and returns thereof made to the Secretary of State, and counted, in the same manner as in elections for Representatives to the Legislature; and if it shall thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendments voted in favor of the same, such amendments shall be valid to all intents and purposes as parts of this Constitution. The result of such election shall be made known by proclamation of the Governor. Representation in the Legislature shall be based upon population, and such basis of representation shall not be changed by constitutional amendment.

285. Upon the ballots used at all elections provided for in Section 284 of this Constitution the substance or subject matter of each proposed amendment shall be so printed that the nature thereof shall be clearly indicated. Following each proposed amendment on the ballot shall be printed the words "Yes" and immediately under that shall be printed the words "No." The choice of the elector shall be indicated by a cross mark made by him or under his direction, opposite the word expressing his desire, and no amendment shall be adopted unless it receives the affirmative vote of a majority of all the qualified electors who vote at such election.

286. No convention shall hereafter be held for the purpose of altering or amending the Constitution of this State, unless after the Legislature by a vote of a majority of all the members elected to each House has passed an act or resolution calling a Convention for such purpose, the question of Convention or No Convention shall be first submitted to a vote of all the qualified electors of the State, and approved by a majority of those voting at such election. No act or resolution of the Legislature calling a convention for the purpose of altering or amending the Constitution of this State, shall be repealed except upon the vote of a majority of all the members elected to each House at the same session at which such act or resolution was passed; pro-

vided, nothing herein contained shall be construed as restricting the jurisdiction and power of the Convention, when duly assembled in pursuance of this section, to establish such ordinances and to do and perform such things as to the Convention may seem necessary or proper for the purpose of altering, revising or amending the existing Constitution.

287. All votes of the Legislature upon proposed amendments to this Constitution, and upon bills or resolutions calling a Convention for the purpose of altering or amending the Constitution of this State, shall be taken by yeas and nays and entered on the Journals. No act or resolution of the Legislature passed in accordance with the provisions of this article, proposing amendments to this Constitution, or calling a convention for the purpose of altering or amending the Constitution of this State, shall be submitted for the approval of the Governor, but shall be valid without his approval.

### SCHEDULE.

In order that no injury or inconvenience may arise from the alterations and amendments made by this Constitution to the existing Constitution of this State, and to carry this Constitution into effect, it is hereby ordained and declared:

1.—That all laws in force at the ratification of this Constitution and not inconsistent therewith, shall remain in full force until altered or repealed by the Legislature; and all rights, actions, prosecutions, claims and contracts of the State, counties, municipal corporations, individuals or bodies corporate, not inconsistent with this Constitution, shall continue to be valid as if this Constitution had not been ratified.

2.—That all bonds executed by or to any officer of this State, all recognizances, obligations and all other instruments executed to this State, or to any subdivision or municipality thereof, before the ratification of this Constitution, and all fines, taxes, penalties and forfeitures due and owing to the State, or any subdivision or

municipality thereof; and all writs, suits, prosecutions, claims and causes of action, except as herein otherwise provided, shall continue and remain unaffected by the ratification of this Constitution. All indictments which have been found, or which may hereafter be found, for any crime or offense committed before the ratification of this Constitution, shall be proceeded upon in the same manner as if this Constitution had not been ratified.

3.—That all the executive and judicial officers, and all other officers in this State, who were elected at the elections held in this State on the first Monday in August, in the years eighteen hundred and ninety-eight and nineteen hundred, or who have been appointed since that time, and all members of the present General Assembly and all who may hereafter be elected members of the present General Assembly, and all other officers holding office at the time of the ratification of this Constitution, shall, except as otherwise provided in this Constitution, continue in office and exercise the duties thereof until their respective terms shall expire, as provided by the Constitution of eighteen hundred and seventy-five, or the laws of this State.

4.—This Constitution shall be submitted to the qualified electors of this State for ratification or rejection, as authorized and required by an act of the General Assembly of this State, entitled, “an act to provide for holding a Convention to revise and amend the Constitution of this State,” approved the eleventh day of December, nineteen hundred; and no elector shall be deprived of his right to vote at the election to be held for such purpose by reason of his not being registered.

5.—That instead of the publication as required by the act to provide for holding a Convention to revise and amend the Constitution, approved the eleventh day of December, nineteen hundred, the Governor of this State is hereby authorized to take such steps as will give general publicity and circulation to this Constitution in a manner as economical as practicable.

6.—The salaries of the Executive and Judicial and all other officers of this State, who may be holding office at the time of the ratification of this Con-

stitution, and the pay of the present members of the General Assembly, shall not be affected by the provisions of this Constitution.

Done by the people of Alabama, through their delegates in Convention assembled in the hall of the House of Representatives, at Montgomery, Alabama, this the third day of September, *Anno Domini*, nineteen hundred and one.

JOHN B. KNOX,  
*President.*

Attest: FRANK N. JULIAN, *Secretary.*

David C. Almon,  
W. A. Altman,  
John T. Ashcraft,  
W. H. Banks,  
J. H. Barefield,  
W. H. Bartlett,  
J. Robert Beavers,  
C. P. Beddow,  
D. S. Bethune,  
Samuel Blackwell,  
Burwell Boykin Boone,  
Leslie E. Brooks,  
Cecil Browne,  
Thomas L. Bulger,  
John D. Burnett,  
John F. Burns (1875-1901),  
John A. Byars,  
H. W. Cardon,  
A. H. Carmichael,  
M. S. Carmichael,  
G. H. Carnathan,  
Davy Crockett Case,  
Reuben Chapman,  
James Edward Cobb,  
W. T. L. Cofer,  
Thomas W. Coleman,  
E. W. Coleman,  
Thomas J. Cornwell,

B. H. Craig,  
R. M. Cunningham,  
John A. Davis,  
Hubert T. Davis,  
S. H. Dent,  
Ed. deGraffenried,  
Joseph B. Duke,  
B. T. Eley,  
John C. Eyster,  
T. M. Espy,  
Charles W. Ferguson,  
William C. Fitts,  
A. S. Fletcher,  
J. M. Foster,  
N. H. Freeman,  
J. A. Gilmore,  
William Franklin Glover,  
Edward A. Graham,  
Joseph B. Graham,  
L. W. Grant,  
John W. Grayson,  
Leonard F. Greer, Sr.,  
Charles H. Greer,  
C. L. Haley,  
William A. Handley,  
Geo. P. Harrison (1875-1901),  
J. Thomas Heflin,  
John T. Heflin,  
Jere C. Henderson,  
Evans Hinson,  
Patrick W. Hodges,  
Oliver R. Hood,  
Wilson P. Howell,  
Augustin Clayton Howze,  
W. B. Inge,  
E. C. Jackson,  
Samuel C. Jenkins,  
John C. Jones,  
J. McLean Jones,  
Thomas G. Jones,  
Richard C. Jones,

James T. Kirk,  
W. W. Kirkland,  
William N. Knight,  
R. B. Kyle,  
Emmett W. Ledbetter,  
Norville R. Leigh, Jr.,  
Lawrence W. Locklin,  
Tennent Lomax,  
J. Lee Long,  
T. L. Long,  
Robert J. Lowe,  
William T. Lowe,  
Gordon Macdonald,  
B. F. McMillan,  
Lee McMillan,  
George H. Malone,  
J. T. Martin,  
J. C. Maxwell,  
Allen H. Merrill,  
Charles H. Miller,  
Joseph N. Miller,  
Milo Moody,  
W. O. Mulkey,  
Joel D. Murphree (1875-1901),  
C. C. NeSmith,  
J. D. Norman,  
Joseph Norwood,  
Wm. C. Oates (1875-1901),  
Emmett O'Neal,  
John W. O'Neill,  
Henry Opp,  
Rufus A. O'Rear,  
Dabney Palmer,  
George H. Parker,  
John H. Parker, Sr.,  
James P. Pearce,  
Erle Pettus,  
E. A. Phillips,  
Harry Pillans,  
P. H. Pitts,  
John H. Porter,  
John Franklin Proctor,



Henry Fontaine Reese (Dallas)  
N. P. Renfro,  
R. J. Reynolds,  
J. J. Robinson,  
C. P. Rogers, Sr.,  
John Aduston Rogers of Sumter  
County, Ala.,  
Wm. Hodges Samford,  
W. T. Sanders,  
John William Augustine  
Sanford,  
George A. Searcy,  
Henry C. Selheimer,  
James O. Sentell,  
J. B. Sloan, Jr.,  
Gregory L. Smith,  
Mac. A. Smith,  
Morgan M. Smith,  
M. Sollie,  
George A. Sorrell,  
Napoleon B. Spears,  
Robert E. Spragins,  
J. H. Stewart,  
W. H. Tayloe,  
J. F. Thompson,  
Watkins M. Vaughan,  
Boswell deGraffenried Waddell,  
Richard W. Walker,  
Thomas H. Watts,  
John B. Weakley,  
James Weatherly,  
Frank S. White,  
W. W. Whiteside,  
Gesner Williams (Marengo),  
Arthur E. Williams,  
Massey Wilson,  
Jere N. Williams,  
Edward P. Wilson,  
James J. Winn,  
E. R. Morrisette,  
E. D. Willett.

## REPORT OF STANDING COMMITTEE.

Mr. Heflin, of Randolph, chairman of the Committee on Schedule, Printing and Incidental Expenses, reported favorably the following ordinance, which was read at length:

An ordinance to provide for the payment of the Secretary of the Convention and his assistants for services to be rendered after the adjournment of the Convention.

Whereas, The Secretary will be unable to complete the clerical work of the Convention before adjournment;

Therefore, be it ordained by the people of Alabama, in Convention assembled, That the sum of \$200 or so much thereof as may be necessary, be and the same is hereby appropriated to be paid to F. N. Julian, Secretary of the Convention, for compensation for services necessary to be rendered by him and his assistants after the adjournment of the Convention in completing the clerical work of the Convention.

Be it further ordained that the President of the Convention is hereby authorized after the adjournment of the Convention to certify the amount due to said Secretary to the State Auditor, who shall draw his warrant in favor of the said Secretary upon the State Treasurer for the amount so certified by the President.

The rules were suspended and the ordinance was adopted: Yeas, 103; nays, 6.

## YEAS.

Messrs. President,  
Altman,  
Ashcraft,  
Banks,  
Barefield,  
Bethune,  
Blackwell,  
Boone,  
Brooks,  
Bulger,

Burnett,  
Cardon,  
Carmichael (Colbert),  
Carnathon,  
Case,  
Chapman,  
Cobb,  
Coleman (Greene),  
Coleman (Walker),  
Craig,

Davis (DeKalb),  
Davis (Etowah),  
Dent,  
deGraffenried,  
Duke,  
Eley,  
Eyster,  
Espy,  
Fitts,  
Fletcher,  
Foster,  
Gilmore,  
Glover,  
Graham (Talladega),  
Grayson,  
Greer (Calhoun),  
Haley,  
Handley,  
Harrison,  
Heflin (Chambers),  
Heflin (Randolph),  
Henderson,  
Hood,  
Howell,  
Howze,  
Jackson,  
Jenkins,  
Jones (Bibb),  
Jones (Montgomery),  
Jones (Wilcox),  
Kirk,  
Kirkland,  
Knight,  
Kyle,  
Leigh,  
Lomax,  
Lowe (Lawrence),  
Macdonald,  
McMillan (Baldwin),  
McMillan (Wilcox),  
Malone,  
Maxwell,

Merrill,  
Miller (Marengo),  
Moody,  
Murphree,  
NeSmith,  
Norman,  
Norwood,  
Oates,  
O'Neal (Lauderdale),  
O'Rear,  
Palmer,  
Parker (Cullman),  
Parker (Elmore),  
Pierce,  
Pettus,  
Pillans,  
Pitts,  
Renfro,  
Reynolds (Henry),  
Rogers (Lowndes),  
Sanders,  
Sanford,  
Searcy,  
Selheimer,  
Sentell,  
Smith (Mobile),  
Smith, Mac. A.,  
Smith, Morgan M.,  
Sorrell,  
Spears,  
Spragins,  
Tayloe,  
Thompson,  
Vaughan,  
Waddell,  
Walker,  
Weakley,  
Whiteside,  
Williams (Barbour),  
Williams (Elmore),  
Wilson (Clarke),  
Winn—103.

## NAYS.

Messrs. Bartlett,  
Byars,  
Foshee,

Phillips,  
Reynolds (Chilton),  
Studdard—6.

Mr. Heflin of Randolph, also called up for adoption the report of the Committee on Schedule, Printing and Incidental Expenses, which was read at length as follows and adopted: Yeas, 125; nays, 0.

*Mr. President:*

The Committee on Schedule, Printing and Incidental Expenses has instructed me to make this, our final, report:

The Committee has carefully considered all ordinances, resolutions, accounts and petitions which were referred to said committee, most of said accounts were allowed, some were scaled and few were not allowed. We herewith return to the Convention all ordinances, resolutions, petitions, etc., that were referred to said committee.

The committee has audited the accounts hereto attached and finds that the State of Alabama is indebted to Marshall & Bruce of Nashville, Tenn., in the sum of \$7.00.

We find that said State is indebted to the Brown Printing Company, of Montgomery, Ala., in the sum of \$207.50.

We find that said State is indebted to the Ed. C. Fowler Co., of Montgomery, Ala., in the sum of \$64.40.

We find that said State is indebted to the Montgomery Advertiser of Montgomery, Ala., in the sum of \$.75.

We find that said State is indebted to Robert Hasson, doorkeeper, in the sum of \$6.10.

We find that said State is indebted to Jos. S. Wing of Montgomery, Ala., in the sum of \$6.70.

All of the above amounts are for printing done, and for articles furnished the State of Alabama for use of the Constitutional Convention, and all of the above accounts are itemized as shown by bills hereto attached. Total amount \$292.45, and we recommend the payment of the same. All of which is respectfully submitted.

JOHN T. HEFLIN, *Chairman.*

## YEAS.

Messrs. President,  
Altman,  
Ashcraft,  
Banks,  
Barefield,  
Beavers,  
Beddow,  
Blackwell,  
Boone,  
Brooks,  
Browne,  
Bulger,  
Burnett,  
Burns,  
Byars,  
Cardon,  
Carmichael (Colbert),  
Carmichael (Coffee),  
Carnathon,  
Case,  
Chapman,  
Cobb,  
Coleman (Greene),  
Cunningham,  
Davis (DeKalb),  
Davis, (Etowah),  
Dent,  
deGraffenried,  
Duke,  
Eley,  
Eyster,  
Espy,  
Ferguson,  
Fitts,  
Fletcher,  
Foshee,  
Foster,  
Gilmore,

Glover,  
Graham (Montgomery),  
Graham (Talladega),  
Grayson,  
Greer (Calhoun),  
Greer (Perry),  
Haley,  
Handley,  
Harrison,  
Heflin (Chambers),  
Heflin (Randolph),  
Henderson,  
Hinson,  
Hodges,  
Howell,  
Inge,  
Jackson,  
Jenkins,  
Jones (Bibb),  
Jones (Wilcox),  
Kirk,  
Kirkland,  
Knight,  
Kyle,  
Leigh,  
Lomax,  
Long (Walker),  
Lowe (Jefferson),  
Lowe (Lawrence),  
Macdonald,  
McMillan (Baldwin),  
McMillan (Wilcox),  
Malone,  
Martin,  
Merrill,  
Miller (Marengo),  
Miller (Wilcox),  
Moody,

Mulkey,  
 Murphree,  
 NeSmith,  
 Norwood,  
 Oates,  
 O'Neal (Lauderdale),  
 Opp,  
 O'Rear,  
 Parker (Cullman),  
 Parker (Elmore),  
 Pearce,  
 Pettus,  
 Pillans,  
 Pitts,  
 Porter,  
 Renfro,  
 Reynolds (Chilton),  
 Reynolds (Henry),  
 Robinson,  
 Rogers (Lowndes),  
 Rogers (Sumter),  
 Sanders,  
 Sanford,  
 Searcy,  
 Selheimer,

Sentell,  
 Sloan,  
 Smith (Mobile),  
 Smith, Mac. A.,  
 Smith, Morgan M.,  
 Sollie,  
 Sorrell,  
 Spragins,  
 Stewart,  
 Tayloe,  
 Thompson,  
 Vaughan,  
 Waddell,  
 Walker,  
 Watts,  
 Weakley,  
 Weatherly,  
 Whiteside,  
 Williams (Barbour),  
 Williams (Marengo),  
 Williams (Elmore),  
 Wilson (Clarke),  
 Wilson (Washington),  
 Winn—125.

#### APPOINTMENT OF COMMITTEE.

The President, under the resolution heretofore adopted, raising a committee for the purpose of preparing an address on the Constitution, appointed the following committee:

First district, Gregory L. Smith.  
 Second district, Thomas G. Jones.  
 Third district, Thomas M. Espey.  
 Fourth district, Henry H. Reese,  
 Fifth district, James E. Cobb.  
 Sixth district, Thomas W. Coleman.  
 Seventh district, O. R. Hood.  
 Eighth district, R. W. Walker.  
 Ninth district, James Weatherly.

## ADJOURNMENT.

On motion of Mr. deGraffenried the Convention adjourned *sine die*, after divine blessing had been invoked by Dr. A. L. Andrews of the city.

JOHN B. KNOX,

President of the Constitutional Convention.

Attest: FRANK N. JULIAN, Secretary.

## ADDRESS OF THE COMMITTEE.

*To the People of Alabama:*

The Convention lately assembled by you to amend and revise the Constitution of Alabama asks yours considerate judgment upon the new instrument, and has appointed the undersigned delegates to lay before you the reasons which urge its ratification.

It is no disparagement of the wisdom or fidelity of the Convention of 1875 to declare that the proposed Constitution is far better for us than our present organic law.

## PROBLEMS BEFORE THE CONVENTION OF 1875.

That Convention met when the passions of the great war had not yet subsided, and sectional distrust was still acute and aggressive. The Congress of the United States, and public opinion in the dominant sections were still unconvinced that a government for the people of Alabama, controlled or directed by the suffrage of former African slaves, was neither justifiable nor possible. Our then fundamental law, framed by aliens, had been put in force by military power, after its rejection at the polls. The State was burdened with direct debt, and liable for many millions of dollars lost or squandered in reckless railroad enterprises. Our people had just regained control of their State government, and were suffering from the miseries of long years of misrule and the depression inevitable from the readjustment of our systems of labor and industry. It could not be foreseen whether Congress would interfere, if changes were made in the basis of suffrage. Above all things, the State needed rest.

Under such conditions the Convention of 1875 had little freedom of action. Its members shared the opinion of the masses of the people, that beyond the adoption of a Constitution which should be the free act of Alabama, with such provisions as were absolutely necessary to prevent excessive taxation, the creation of new debts, and to enforce economy in the government,



few changes should be undertaken in the organic law. Dreading Federal intervention, that Convention did not disturb the existing basis of suffrage, but felt compelled to fasten it upon us by restrictions, going far beyond the Fifteenth amendment, forbidding "any educational or property qualification for suffrage or office." With the great question thus put aside, the task of that Convention was comparatively simple, and could be speedily accomplished.

#### THE GREATER TASK OF THE CONVENTION OF 1901.

The relief afforded by that Constitution, in the nature of things, could only be transient, since the growing cancer of the suffrage remained untouched, while the State meanwhile was rapidly changing from agricultural pursuits to mining, manufacturing and other industries, and increasing from year to year in population and wealth. It was inevitable that insistent demands would arise, from time to time, for a Constitutional Convention to adjust the existing organic law to our present needs. The final response to these demands was the act of the General Assembly of 1901, and the approval by the people of the call for a Constitutional Convention.

Compelled to find some solution for the evils which its predecessors did not attempt to solve, and confronted by new conditions, and faults developed by the workings of the present Constitution, the Convention of 1901 fully realized the magnitude of its task, the completion of which did not admit of the haste permissible under the conditions existing in 1875. The Convention felt it a high duty, no less to you than to itself, to proceed cautiously, and to act finally only after the maturest discussion and deliberation. The result is before you. Careful scrutiny and review of the many changes will show their importance, and prove their benefits. At the sacrifice of brevity, we set out these changes in substance that you may judge of them by what they are, rather than by what we say.

#### SUFFRAGE.

The years since the adoption of the Constitution of 1875 have been one long battle to prevent the undermining of our institutions by the participation in our gov-

ernment of a mass of unworthy or vicious voters. Daily experience has brought home to you, with a force to which no recital by us can add, the array of evils which follow in the train of such a struggle, and the fearful sweep in the future, if we can not find other means to insure good government. Relief from present conditions is essential to our morals, our peace and our welfare. Nothing could be worse than the inevitable operation of our present suffrage provisions. Any change which restricts the evil, must be improvement.

With the choice of means narrowed by the Fifteenth amendment, and complicated by the necessities and conditions of different localities, the task of framing a remedy which would meet your desires and be free from objection or attack upon moral or constitutional grounds has not been an easy one. Your delegates have wrought as best they could, and submit the result of their labors, feeling confident that the plan submitted will purge the electorate of the unworthy and vicious voter who has so long debased our suffrage.

The Suffrage Article of the proposed Constitution provides for the registration of all voters under the present law who have honorably served their country in war, the lawful descendants of such persons, and all who are of good character and who understand the duties and obligations of citizenship under a republican form of government. This provision saves to every man who avails himself of it, the privilege of suffrage for life. The result will be that the ballot will be left in the hands of those of our present voting population who have demonstrated their capacity to exercise the privilege in the interest of social order and progress; and the right to a place on such permanent registration will be denied only to the mass of vicious or unworthy voters, which has so long threatened our welfare. The fact was recognized that the qualities of good citizenship and the capacity and disposition to exercise the voting privilege properly, are so generally possessed by that part of our present voting population which is composed of those who have honorably served in our wars and the lawful descendants of such persons, that a due regard

for the public welfare would not warrant any interference with that right as now enjoyed by them. All such persons, and all who are of good character and who understand the duties and obligations of citizenship, will have the unchallenged right to register for life. It is confidently asserted that no worthy man, now an elector, or who would become an elector under existing laws prior to the first day of January, 1903, can have any difficulty in registering as a voter for life; or, once being registered, can be debarred from future participation in the government. The question of the consistency of this provision with the requirements of the Constitution of the United States was fully and patiently considered by the Convention. The only doubt developed was in reference to the feature securing the right to vote to those whose claim rests solely upon the fact that they are descendants of men who honorably served in our wars. This objection was made by four of the twenty-five members of the committee to which the subject of suffrage was referred by the Convention; and, though the objection was concurred in by some other members of the Convention, after patient deliberation and full discussion by the committee and by the Convention, an overwhelming majority of the Convention remains fully satisfied of the wisdom and validity of their action in this particular. The delegates who differed on this point from the great majority of their associates (save only the few who represented political ideas which proclaimed hostility in advance to our work), agree that whether this one special clause of the article be stricken down or upheld, the several provisions of the article, whose clauses are separate and not dependent the one on the other, embody the only practicable lines in reach of any reform of the peculiar conditions which breed bad suffrage; and that opposition to the ratification of the Constitution, because of this one clause, is not only the rejection of the manifest good in the other articles, but inevitable hostility to any feasible attempt to better our suffrage, and is, therefore, not justified, but deeply to be deplored. We have all to gain and nothing to lose by ratifying the new instrument.

It must be apparent to reflecting minds that Federal interference, the risk of which is sometimes put forward as a reason for opposition to the new instrument, is much more likely to be provoked in the future by the continuance of existing methods for the control of the suffrage, than by any change wrought by the ratification of the new instrument.

The above mentioned registration will be made in each county by a board of three reputable and suitable persons, residents of the county, to be appointed by the Governor, Auditor and Commissioner of Agriculture. The effect of that registration will be the elimination of a great mass of vicious and incompetent voters. Further, provision is then made to maintain for the future the standard of the electorate. A lack of the qualities of intelligence, thrift, and a regard for the public welfare generally characterizes that part of our present voting population whose participation in the government of the State is sought to be abridged. The object of the educational and property qualifications proposed for those who shall become of age and seek the right to vote after January 1st, 1903, is the exclusion of that undesirable class. Those qualifications should appeal strongly to the mothers and fathers and youth of the land. The requirements will be within the reach of all worthy men. The desire to fulfill them will uplift those who are to come after us to keener appreciation of the privilege of suffrage and better fit them for the ennobling and responsible duties of citizenship. What manly and self-respecting youth in this day of abundant opportunities of free education and self-advancement, will listen to the debasing cry of those who wish to prevent our deliverance, that the State wrongs the youth when it asks in return for the privilege of voting two years hence, that he prepare himself by learning, within the ample time given him, to read parts of the Constitution of the United States, or develop sufficient character and thrift to accumulate a very small amount of property which the humblest starting life under the most adverse circumstances can quickly acquire? What right-thinking or self-honoring man is willing to claim and enjoy all

the benefits of government and is unwilling to make any sacrifice or contribute anything whatever to sustain it? Scarce a generation since thousands of Alabamians risked and sacrificed their lives for the welfare of the State; and now their children are thought by some so unworthy of their fathers that they are told that the payment of a poll tax of less than half a cent a day, in aid of the public schools, as one of the helps to a higher and better suffrage, demands a sacrifice which they should set in the balance against your efforts to uplift our civilization. We leave the fit answer to this ignoble suggestion to that love of country which has always marked our people, and borne them upward in all their struggles and trials.

SHALL WE DESCEND INTO THE MIRE IN ORDER TO BE  
CLEANSED?

Of those who profess a desire to be rid of our evil condition and at the same time proclaim hostility to our efforts, it is proper to ask what, if any, remedy they propose. Can defeat of the new Constitution promote any good end? Will it not fasten upon us the present curse, and cut off all hope of relief for a generation to come? Is it not far better and wiser to take the present step, and if experience proves it ineffectual, to seek further remedy by prompt amendment of the Constitution, which is easy under the new instrument, than to fall back again deeper in the mire, and then hope to rise from its depths and cleanse our institutions?

FAIR ELECTIONS.

The surest and most enduring foundation for fair elections is honest and intelligent voters. The new instrument furnishes this great support, by sifting the worthy from the unworthy in selecting those entitled to suffrage. To the penalties which the Legislature has provided, or may provide, to enforce honesty in elections the Constitution itself has added disfranchisement of all who buy or sell votes, or make false returns in legal or

primary elections, and has made false registration a felony. With the elimination of the mass of vicious votes, the power of which is always sought to umpire the result of elections when good men divide, all excuse or temptation is destroyed to tamper with the ballot box, to prevent the vicious from overturning good government and imperilling all that is protected by it. With the disappearance of the cause which leads to the violation of the sanctity of elections, public opinion, which is stronger and more far-reaching than law, will again reassert itself and effectually guard the ballot box. Consciously or unconsciously, ulterior motives must control the mind which proclaims opposition to the Constitution on the pretext that its ratification will cause the continuation of election abuses.

#### EDUCATION.

The importance of public schools to the welfare of the State is recognized and emphasized by the provisions made to sustain education. The new Constitution, of its own vigor, appropriates about eight times as much as the old Constitution. The new instrument preserving all the old sources of revenues, appropriates each year to the public schools nearly one-half of all the taxes levied and collected by the State, and enjoins upon the Legislature the increase of this fund from time to time as the resources of the State may justify. Power is given counties to levy a special tax, not to exceed 10 cents on each \$100 worth of taxable property therein, for the support of the public schools, when voted by three-fifths of the voters at the election, subject to the limitation that the rate of State and county taxation per annum must not be increased to more than \$1.25 on each \$100 worth of property, excluding special taxes for bridges and payment of debts existing in 1875.

Acknowledgment has been made in the Constitution itself of a just debt to the University, and provision made for the payment of interest thereon. Change has been made in the mode of appointing its trustees, which those most interested in the University believe will re-

dound to its welfare. Greater stability has been given to the Board of Trustees of the Alabama Polytechnic Institute by longer terms to its trustees.

The new instrument has gone to the verge of the ability of the State to sustain and increase schools; and as the State grows in wealth, the Constitution, by its own operation, will correspondingly increase the public contributions to the cause of education. What better response could be made to the impulse of our people for more and better schools?

#### TAXATION.

The State tax on property has been decreased from 75 cents per annum on the \$100 to 63 cents on the \$100. Debts for the rent or hire of real or personal property, while owned by the landlord or hirer during the year of such rental or hire, are not taxable if the property itself has been assessed at its full value.

To meet emergencies, the power of the Governor has been extended to negotiate temporary loans to the amount of \$300,000. Counties are forbidden to levy a greater rate of taxation per annum than one-half of 1 per centum; but an additional one-fourth of 1 per cent. may be collected for debts existing at the ratification of the Constitution of 1875. To meet debts incurred for public buildings or bridges, a county may levy a tax of one-fourth of one per centum. Under the existing Constitution, the rate of taxation for such purposes is unlimited. Cities, towns and villages, with a few excepted by name whose necessities and debts demanded the exception, are forbidden to levy a higher rate of taxation per annum than one-half of 1 per centum upon the property, as assessed for State taxation during the preceding year.

The Legislature is authorized to levy a tax of not more than two and one-half per centum on the value of any real or personal property situate in this State, where the same passes by the laws of descent, or by will, or instrument taking effect at death, to any person, other than the father, mother, husband, wife, brothers, sisters

or children or lineal descendants of the person owning such estate.

#### INCREASING THE POWER OF THE PEOPLE.

One prominent object of the new instrument is to bring the government nearer to the people. To this end election is confided to them of some officials heretofore chosen by the Legislature; the requirement is made in case of vacancies, original or otherwise, in executive and judicial offices, that the people fill the office at the next election for any State officer; that counties, cities, towns and villages, before issuing bonds, must obtain an approving vote of their electors; and that a majority of the qualified electors of a county, voting at an election for that purpose, can alone authorize the removal of a county site.

#### LESSENS THE NUMBER AND FREQUENCY OF ELECTIONS.

While providing for effective control by the people of their government, it has been one of the aims of the new instrument to save the people from the expense and turmoil of an unnecessary number or frequency of elections. The Constitution of the United States requires the holding of an election for Representatives in Congress every two years. Under our present Constitution, there must also be separate elections every two years for all the executive officers and members of the Legislature. Every fourth year these officers and Sheriffs must be elected. Every sixth year every officer of the State, legislative, executive or judicial, is elected. These frequent elections, and the canvasses which precede them, have become a great burden to the people, largely diverting them from their ordinary pursuits, and promoting instability in the execution of the laws, and policies of the government. To relieve the people from this expense and vexation, the terms of the executive officers and members of the Legislature have been lengthened to four years, and all State and Federal elections are to be held on the same day. In view of the contingency of it again becoming advisable to hold the State and Federal elections at dif-



ferent times, the Legislature is authorized to change the time of elections. It is confidently believed that these changes will be grateful to the people, and conducive to the public good.

#### DECLARATION OF RIGHTS.

The only marked changes under this head are that an application for change of venue for a defendant in jail, or other legal place of confinement, may be heard, on his application, without the personal presence of the defendant; and the courts may, for reasons defined by law, discharge juries from the consideration of any case, without the prisoner's gaining advantage thereby and the omission therefrom of the clause forbidding any property or educational qualification for suffrage or office.

#### LEGISLATIVE DEPARTMENT.

The changes in this article are far-reaching and important. By "the law of the land" we hold all that we have. The rights and interests of the people are most securely guarded, when the law, under the same circumstances, is the same for all men. Without this, there is no "equality before the law." For years past this great rule of just and good government has been ignored by our General Assembly. Local legislation and private laws have been the rule, and general legislation the exception. Rights and privileges have been conferred with liberal hand upon favored individuals and localities, which could not be had by others under the general law. The time of legislators has been devoted almost wholly to matters of no concern to the general public. The interests seeking special favors thronged legislative halls with lobbyists absorbing the time and distracting the attention of the members. The usefulness of a member has come to be measured by the number of private or local laws he can get upon the statute book. These being of prime importance, members entrusted with local measures frequently feared to

risk opposition by taking a position upon any general law of importance. The vast number of these special measures prevents all scrutiny of them, and causes shocking disregard of the safeguards the Constitution requires in the passage of laws; and sometimes scandal. The legislator, instead of being the representative of the State, becomes a local monarch to dispense its favors. A so-called courtesy denies a hearing to the people affected by these measures, if their immediate representatives insist on their passage. General legislation has been almost wholly neglected. Such measures, when taken up, are enacted without time for due deliberation or consideration, resulting in much crude and hasty legislation. The speed necessary, when such a vast number of bills are passed in a limited session, not infrequently has prevented proper entries on the Journals, and thus overthrown important general laws, as in the case of at least one general revenue bill. These things have made legislative service distasteful to many whom the people would have been glad to have called into their service. Local and private legislation has thus grown into an intolerable abuse, greatly detracting from the morale of the law-making department, and to some extent withdrawing confidence from it. The suppression of this evil, if nothing else had been accomplished, would justify the cost of the Convention.

Under the new Constitution, this evil is plucked up by the roots; for the power of the legislator over such matters has been absolutely annihilated. Instead, provision has been made for general laws, applicable alike to all, whereby local and private interests may be secured and protected, with such rights and privileges as are requisite. Individuals or localities interested in such matters can obtain relief at home, without submitting themselves to the caprice of members of the Legislature, or incurring loss of time and money by coming to and remaining at the seat of government.

The constant change or repeal of laws and the substitution of new laws in their place, after the people have adjusted their pursuits and business to the old law, is always a drawback to confidence and contentment. The

Legislature, having been freed from the necessity of dealing with innumerable local and private interests, which demand more frequent sessions than general subjects, a change has been made from biennial sessions to sessions once every four years. This change was induced by the considerations that the laws having a longer time to stand, would be better understood, and, therefor, better executed, and men could proceed with more confidence. The change will also result in the saving to the taxpayers of \$50,000 every four years, which is the cost of the biennial sessions now omitted. It is confidently believed experience will fully vindicate the policy of longer intervals than at present between the sittings of our law-makers. Certain it is, no harm can come to the State; since if the emergency arises, the Governor can call special sessions; while provision has been made for the Legislature to assemble of its own motion, if necessary, to exercise the power of impeachment.

Many new provisions have been made to prevent impositions upon members, or fraudulent practices in the passage of bills; to guard members against improper influences and for laying before each regular session of the Legislature revenue bills with such provisions as the experience of the Executive Department may suggest, for their action.

No liability, of any person, or corporation, owned by the State, or any county or other municipality thereof, shall be released, or in any way diminished by the Legislature, except upon full payment thereof; nor shall such liability be changed or transferred, except upon the payment of its face value; but the Legislature may, by general law, provide for the compromise of doubtful claims. After suit commenced, the Legislature shall have no power to take away the cause of action, or destroy any existing defense to the suit. The Legislature is forbidden to enact any law, not applicable to all counties, regulating costs, fees, commissions or allowances to public officers.

Broad powers are specifically conferred for the "regulation, prohibition, or reasonable restraint" of carriers, trusts, monopolies and combinations of capital, "so as

to prevent them from making scarce articles of necessity, trade or commerce, or from increasing unreasonably the cost thereof, to the consumer, or preventing reasonable competition in any trade, calling or business."

#### EXECUTIVE DEPARTMENT.

The practice of the people of late, almost without exception, has been to give two terms to the executive officers, and to deny them a third term. The new instrument, in lengthening the term to four years, and making them ineligible to succeed themselves, merely adopts, in the organic law, the policy the people themselves have established after long experience as best for their interests.

The office of Governor is one of great honor. The Governor more than any other officer, embodies in his own person the dignity and power of the people, and is the source of many good or evil impulses in the administration of the laws. It has been the aim of the new Constitution to dignify the office, and consecrate it entirely to the service of the people. The Governor is shielded from the misconstruction and opposition often wrongly directed against him, when the powers of his office are thought to be swayed by a desire to obtain other offices, and he is saved from the temptation to abuse his powers by denying to him during his term and for one year thereafter, the right of election or appointment to the United States Senate, or any office under this State. Ambition and duty alike under such conditions will bind him to single-minded devotion to his great trust, leaving the people to mete out such reward as his acts merit, after he has gone out of power.

The people always prefer to make direct choice of their Chief Magistrate. The office of Lieutenant-Governor has been created. He presides over the Senate, and unless called to the discharge of the duties of Governor, receives like per diem as the Speaker of the House.

The Governor has been guarded against personal solicitation of persons seeking pardons by the creation of a

Board of Pardons, which meets at his call and sits in public, before whom all applications for pardons, commutations and paroles in felony cases must be laid, and who must advise with the Governor thereon. The Governor must report his actions to the Legislature, together with the opinion of the board in every case of felony. Every just safeguard is thus thrown around the exercise of power; but the final responsibility is left where it should always rest, upon the Chief Magistrate.

Under the existing Constitution, when a bill is vetoed the alternative is to allow the bill to fail or to pass it over the veto. In legislation errors and omissions are often inadvertently made which the Legislature would gladly correct, if the opportunity offered to meet executive objections. Under the new instrument, the Legislature has the choice of amending a vetoed bill and again sending it to the Governor, instead of attempting to pass the imperfect bill over the veto. The independence of the Legislature is not thereby trenched upon, since it rests entirely with it to amend the bill or to pass it over the veto.

Care has been taken to remove uncertainties in the existing instrument as to the succession, under all contingencies, in the office of Governor. The Lieutenant-Governor, Attorney General, State Auditor, Secretary of State and State Treasurer have been added to the officers upon whom succession may devolve. If both the Governor and Lieutenant-Governor die, resign or are removed, more than sixty days prior to a general election for any State officer, the Governor and Lieutenant-Governor must be elected at such election for the unexpired term. Provision has been made for ascertaining and declaring the disability of executive officers, when they appear to be of unsound mind.

The long dispute as to the powers of the Speaker and joint convention of the two Houses respectively, in ascertaining and declaring the result of elections for executive officers, has been put at rest, by the Constitutional declaration that the powers of both are purely ministerial.

## JUDICIAL DEPARTMENT.

Many changes have been made in view of past experience, to make the constitutional system more flexible, and better adapted to local wants. After the first election under the new instrument, two of the Associate Justices of the Supreme Court are to be elected every two years, preventing the possibility of an entire change of the personnel of the court every six years, and the uncertainty and oscillation of judicial decisions which sometimes results from such causes. The Legislature may confer upon the Chancery or Circuit Court, the jurisdiction of both courts, and in counties having two or more courts of record, may provide for the consolidation of all courts except the Probate Court, with or without separate divisions, with a sufficient number of judges to transact the business of the consolidated court.

A Circuit or Chancery division must contain not less than three counties, unless one of them has a population of 20,000 or more, and taxable property of \$3,500,000. No courts of general jurisdiction at law or in equity, or both, can hereafter be established for any one county having less than 20,000 population and property assessed for taxation at less than \$3,500,000.

Appointees to judicial vacancies hold office only until the next general election for any State officer, six months after the vacancy occurs. When a new Circuit or Chancery division is created more than six months prior to a general election for any State officer, the Governor may appoint the judges thereof, and the appointee holds until the appointee's successor is elected at such election. Solicitors for each judicial circuit, or other territorial subdivision prescribed by the Legislature, are to be elected by the qualified electors. A Solicitor for any particular county may be elected by the qualified electors, or appointed by the Governor, as the Legislature may prescribe.

Where one or more precincts lie within or partly within a city or town having not less than 1,500 inhabitants, the Legislature may provide for the election of not more than two Justices of the Peace and one Con-

stable for each precinct, or in lieu of all Justices of the Peace therein, may provide an inferior court with very limited civil and criminal jurisdiction. The Legislature shall prescribe uniform fees for Justices and Constables throughout the State. In prosecutions for rape or assault with intent to ravish, the court, in its discretion, may exclude from the court room all persons except such as may be necessary in the conduct of the trial. The Legislature has power to abolish all courts, except the Supreme and the Probate Courts, when their jurisdiction and functions have been conferred on some other court; but not so as to abridge the term of any officer now in office. Registrars in Chancery are required to have resided in the district at the time of their appointment, and for one year preceding, and their fees shall be uniform throughout the State.

The Legislature is left free to change or abolish constitutional courts, except the Supreme and Probate Courts, and is prevented from establishing courts, as has been sometimes done in the past, for counties whose population and wealth could illy bear the cost of maintaining the court.

The new instruments curbs, for the first time, the hitherto unrestricted power of the Legislature to create new courts, and must, therefore, be superior to the old Constitution in this respect. Yet there are those who permit themselves to argue that under the lesser and restricted power in the new Constitution, there is greater danger of abuses in the creation of new courts than was possible under the greater and unrestrained power to increase them under the old instrument. Apprehensions in this respect, if sincerely entertained, will disappear by the most casual reading of the two instruments.

#### MUNICIPAL CORPORATIONS.

There are great changes under this head for the protection of the citizen. Streets and public places of cities and towns can not be used for any public utility or private enterprises without the consent of the proper authorities. The Legislature is forbidden to allow the

payment of a privilege or license tax to the State which will relieve from the payment of all privilege taxes or licenses under its laws. Bonds can not hereafter be issued by cities, counties or towns unless first authorized by a majority vote of the qualified electors, with the exception of bond issues for streets, sidewalks and sanitary storm sewers, the cost of which is wholly or in part assessed against the abutting property. Cities and towns are forbidden to assess abutting property for the cost of sidewalks, paving and sewers in excess of the increased value derived by the property therefrom. Hereafter, no county shall become liable for an amount, including existing indebtedness, greater than  $3\frac{1}{2}$  per centum of the assessed value of the property therein. Cities and towns with a population of less than 6,000 people can not hereafter incur an indebtedness exceeding 5 per cent. of the assessed value of the property therein, save for the purchase and constructing of water, gas and electric lighting plants, sewers and street improvements, for which purposes an additional 3 per centum on the value of the property therein may be created. Cities and towns having a population of 6,000 or more inhabitants, are forbidden to become indebted, including the present indebtedness, exceeding 7 per cent. of the assessed value of the property therein; not including in such indebtedness a defined amount of temporary loans payable within a year out of the year's taxes, or bonds already issued, or hereafter issued for school houses, water works and sewers, street and sidewalk improvements, when the latter are assessed against the abutting property. Cities and towns whose present indebtedness exceeds the limitation shall not incur further indebtedness, except as to certain towns specified in the article. Owners of franchise or public utilities are liable to the abutting proprietors for the actual damage done them by the construction or operation of public utilities. Cities and towns with a population of more than 6,000 are forbidden to grant the right to use streets and public places for water or gas works, telephone and telegraph lines, electric light or power plants, or steam or heating plants, street railroads or other public utility, except railroads



other than street railroads, for a longer period than thirty years.

#### BANKS AND BANKING.

Banks shall be established under general banking laws and may issue bills to circulate as money, equal in amount to the face value of bonds of the State or the United States, convertible into specie at their face value upon deposit under regulations specified with the State Treasurer. These banks must cease operations within 20 years and close business, unless the charter is renewed. The Legislature is required to provide for the examination by a public officer of banking institutions and trust companies or individuals engaged in the banking business, and requirement is made of a report by them under oath, at least twice a year, of their resources and liabilities.

#### IMPEACHMENTS.

The provisions of the existing Constitution have been changed to obviate the difficulties growing out of the definition "habitual drunkenness," so as to cover intemperance in the use of liquors or narcotics, and to measure the offense in view of the dignity of the office and the importance of its duties. Sheriffs have been added to the officers who may be impeached before the Supreme Court; and the failure of Sheriffs or deputies to protect prisoners from mob violence is made an impeachable offense. Provision has been made, when the Legislature is not in session, for the assembling of the House of Representatives to consider the impeachment of any person administering the office of Governor, and for convening the Senate to try articles of impeachment if preferred by the House. If the Governor or Lieutenant-Governor be impeached, the Chief Justice, or, in event of his absence or disqualification, an Associate Justice selected by the Supreme Court, presides.

## REPRESENTATION.

The basis of representation remains the same as under the existing Constitution, but to permit fairer representation among the counties, the House of Representatives is increased five members, and the Senate two.

## EXEMPTIONS.

No change has been made in this article.

## MILITIA.

No changes of importance have been made in this article.

## PRIVATE CORPORATIONS.

The material changes in this respect are that private corporations can no longer be chartered by special act. The Legislature is required to provide for the payment of a franchise tax upon corporations, and when levied on foreign corporations, it must be in proportion to the amount of the capital stock employed here, save as to strictly benevolent, educational or religious corporations. The rights of citizens whose property has been taken under the power of eminent domain are secured further than in the present Constitution, by explicitly requiring in cases of appeal the payment of the judgment in money into court, and the giving of bond in double the amount of the damages, with sureties.

## RAILROADS AND CANALS.

The power to regulate freight and passenger traffic, the building of depots, preventing unjust discrimination and abuses, and requiring reasonable charges of rates of freight and passengers is conferred in more explicit language than in the existing Constitution.

Railroads and transportation companies are forbidden to give free passes or sell tickets at a less discount other

than as sold to the public generally, to members of the Legislature, or to any officer exercising judicial functions under the laws of this State, and stringent provision is made for enforcing the prohibition. Railroad companies are forbidden to pay a rebate directly or indirectly, or to aid in any act misleading the public as to the real rates; and the Legislature is required to enforce the prohibition by suitable penalties.

#### PROTECTING THE PUBLIC CREDIT.

Specific authority is given the Governor to refund the State debt, and it is declared in substance that the appropriations made by the Constitution shall not hinder the State from using any moneys in the treasury, if necessary, to protect the public faith. With these provisions, removing the uncertainties of the present Constitution, there is no doubt of the speedy refunding of the State debt at a much lower rate of interest, which will save many thousands of dollars per annum to the taxpayers and many times the cost of the Convention.

#### AMENDING THE CONSTITUTION.

In this respect the new instrument is vastly superior to the old. Three-fifths of all the members of each House, instead of two-thirds, may propose amendments. The people, instead of waiting until the next general election for Representatives, may vote upon amendments at the next general election after the session at which amendments are proposed, or at a special election fixed by the Legislature, not less than ninety days after the final adjournment of that session. A majority of the votes cast upon the amendment will determine the result instead of requiring, as under the existing Constitution, that this majority requisite to adopt be also a majority of those voting at the general election.

The excitement attending general elections for officials usually prevents fair consideration of amendments, and most frequently causes the failure of even the wisest measures, for lack of interest in them at the time they are voted on. Under the new Constitution, the people

cannot be unduly delayed in molding their organic law to their wishes, nor be compelled to consider amendments amidst the heat and partisanship of political campaigns.

#### REVIEW OF THE CHANGES.

Frank study of the new instrument will convince you that it is pervaded by an earnest purpose to subserve the highest and best interests of the State. State taxes have been lowered. The power of counties, cities and towns to contract debts has been curbed, and the citizen is better protected against unjust assessment for paving, streets and sewers. The public schools have been fostered, and larger and more certain appropriations provided. The people have been relieved of the harrassment and expense of unnecessary elections, and saved from the vexation and uncertainty of too frequent changes in the law or the apprehension thereof. The great abuse and favoritism of local and private legislation has been stricken down, leaving the law-making power free to devote its energies entirely to matters of general concern. General laws secure local and private interests, and save the citizen from the necessity of leaving home, and the cost, delay and mortification of supplicating the Legislature for special or local interests. The government has been brought within more direct control of the people. Vacancies in executive and judicial offices can be filled only temporary by the appointing power, while heretofore the selection was for the remainder of the term. Circuit Solicitors are to be chosen by the people. The voters in counties, cities and towns are themselves to determine the incurring of permanent indebtedness, and whether county seats can be removed. Supervision is extended over individuals and corporations engaged in the business of banking. The Judicial system has been so molded as to better meet local wants, and more elastic power given to abolish or consolidate constitutional courts, when circumstances warrant. The Executive Department has been strengthened and the Legislative Department improved in many ways, heretofore

pointed out. The power of impeachment no longer remains inert and helpless when the Legislature is not in session. The impeachment laws have been wisely amended, and important provisions incorporated therein to stimulate and enforce greater observance of the law. Prompt and easier means are afforded the people to mold their Constitution by amendment to conform to their desires. The public credit has been protected, and the standards of official conduct heightened by the requirements of the new instrument. Above all, the sanctity of suffrage and elections has been safeguarded.

#### CONCLUSION.

Those who framed the new instrument did not forget that it was the work of the dominant race, and should secure the just rights of the weaker race as well. They have not concealed from the world the conviction that the welfare of both races is secured and enhanced by keeping the control and direction of the government in the hands of that great race, whose blood and sacrifices founded our republic and gave free institutions to America. Neither have they builded a Constitution for a great State along the lines of race hatred or unworthy prejudices. The purpose of the new instrument is to protect the weaker as well as the stronger race.

The beneficent aims of the new instrument have far higher inspirations than the fate or fortunes of political parties. We appeal to men of every political faith, who set the welfare of the State above partisan considerations. The new instrument is born of the yearning of our civilization to lift itself to higher and better things. The ratification of the new Constitution will promote public and private morality, strengthen justice, secure peace, restore confidence, give nobler inspiration to our children, and lay stronger foundations for our happiness and prosperity. To refuse to ratify it is to give ourselves to despair, and plunge Alabama back into the darkness from which the people hope to escape. It would proclaim to the world that our people, for the first time in their history, either do not desire to contend against

the vicissitudes and trials of their times, or else are lacking in the intelligence and manhood which would save them.

JOHN B. KNOX, *Chairman*.  
GREGORY L. SMITH, *First District*.  
THO. G. JONES, *Second District*.  
THOS. M. ESPEY, *Third District*.  
HENRY F. REESE, *Fourth District*.  
JAS. E. COBB, *Fifth District*.  
THOS. W. COLEMAN, *Sixth District*.  
OLIVER R. HOOD, *Seventh District*.  
RICHARD W. WALKER, *Eighth District*.  
JAS. WEATHERLY, *Ninth District*.

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## OFFICERS OF THE CONVENTION.

*President*, Hon. John B. Knox, Anniston.

*Secretary*, Frank N. Julian, Tuscumbia.

*Assistant Secretary*, Wm. F. Herbert, Montgomery.

*Enrolling and Engrossing Clerk*, Mrs. Lulu Wood Francis, Birmingham.

*Reading Clerk*, Wm. W. Brandon, Tuscaloosa.

*Doorkeeper*, Robert J. Hasson, Anniston.

*Assistant Doorkeeper*, Thomas J. Fain, Ozark.

*Doorkeeper of Gallery*, W. H. Manghan.

*Messengers*, M. J. Bulger, Dadeville; Grover Prowell, Linden.

*Pages*, Henry Long, Jasper; Charles Eyster, New Decatur; Henry Reese, Selma; Cecil Gaston, Greenville; Julian Tutwiler, Montgomery; Louie Wilson, Grove Hill; Harry Driver, Lafayette; Paul West, Birmingham; T. W. Alley, Montgomery; Joe King, Anniston.

## ROLL OF DELEGATES.

## ALPHABETICAL LIST.

<i>Name.</i>	<i>Post Office.</i>
Almon, D. C.....	Moulton.
Altman, W. A.....	York Station.
Ashcraft, John T.....	Florence.
Banks, Wm. H.....	Hatchechubbee.
Barefield, J. H.....	Monroeville.
Bartlet, W. H.....	Guntersville.
Beavers, J. Robert .....	Columbiana.
Beddow, C. P.....	Birmingham.
Bethune, D. S.....	Union Springs.
Blackwell, Saml. ....	New Decatur.
Boone, B. Boykin.....	Mobile.
Brooks, Leslie E.....	Mobile.
Browne, Cecil ..	Talladega.
Bulger, Thomas L.....	Dadeville.
Burnett, Jno. D.....	Evergreen.
Burns, Jno. F.....	Burnsville.
Byars, John A.....	Russellville.
Cardon, H. W.....	Center.
Carmichael, A. H.....	Tuscumbia.
Carmichael, M. S.....	Elba.
Carnathan, G. H.....	Butler.
Case, D. C.....	Lebanon.
Chapman, R.....	Livingston.
Cobb, J. E.....	Tuskegee.
Cofer, W. T. L.....	Cullman.
Coleman, E. W.....	Jasper.
Coleman, Thos. W.....	Eutaw.
Cornwell, Thos. J.....	Bessemer.
Craig, B. H.....	Selma.
Cunningham, R. M.....	Ensley.
Davis, H. T.....	Gadsden.
Davis, J. A.....	Ft. Payne.
Dent, S. H.....	Eufaula.
deGraffenreid, E. W.....	Greensboro.
Duke, J. B.....	LaFayette.

<i>Name.</i>	<i>Post Office.</i>
Eley, B. T.....	Union Springs.
Eyster, J. C.....	New Decatur.
Espy, T. M.....	Dothan.
Ferguson, C. W.....	Birmingham.
Fitts, William C.....	Tuscaloosa.
Fletcher, A. S.....	Huntsville.
Foshee, J. M.....	Evergreen.
Foster, J. M.....	Tuscaloosa.
Freeman, Newman H.....	Haleysville.
Gilmore, Jno. A.....	Thomasville.
Glover, W. F.....	Butler.
Graham, Edw. A.....	Montgomery.
Graham, Joseph B.....	Talladega.
Grant, L. W.....	Anniston.
Grayson, J. W.....	Gurley.
Greer, C. H.....	Marion.
Greer, L. F.....	De Armanville.
Haley, C. L.....	Haleysville.
Handley, W. A.....	Roanoke.
Harrison, Geo. P.....	Opelika.
Heflin, John T.....	Roanoke.
Heflin, J. Thomas .....	LaFayette.
Henderson, J. C.....	Troy.
Hinson, Evans .....	Hayneville.
Hodges, P. W.....	Woodville.
Hood, O. R.....	Gadsden.
Howell, W. P.....	Oak Level.
Howze, A. C.....	Birmingham.
Inge, W. B.....	Greensboro.
Jackson, E. C.....	Auburn.
Jenkins, Saml. C.....	Camden.
Jones, J. C.....	Blockton.
Jones, J. McLean.....	Greensboro.
Jones, R. C.....	Camden.
Jones, T. G.....	Montgomery.
King, J. J.....	McKinley.
Kirk, J. T.....	Tuscumbia.
Kirkland, W. W.....	Ozark.
Knight, Wm. N.....	Greensboro.
Kyle, R. B.....	Gadsden.



<i>Name.</i>	<i>Post Office.</i>
Knox, Jno. B. ....	Anniston.
Ledbetter, E. W. ....	Sylacauga.
Leigh, Norville R., Jr. ....	Brewton.
Locklin, L. W. ....	Perdue Hill.
Lomax, Tennent. ....	Montgomery.
Long, J. L. ....	Greenville.
Long, T. L. ....	Jasper.
Lowe, Robt. J. ....	Birmingham.
Lowe, W. T. ....	Moulton.
Macdonald, Gordon ....	Montgomery.
McMillan, Lee ....	Gastonburg.
McMillan, B. F. ....	Daphne.
Malone, Geo. H. ....	Dothan.
Martin, J. T. ....	Jacksonville.
Maxwell, J. C. ....	Alexander City.
Merrill, A. H. ....	Eufaula.
Miller, C. H. ....	Millers.
Miller, J. N. ....	Camden.
Moody, Milo ....	Scottsboro.
Morrisette, E. R. ....	Perdue Hill.
Mulkey, W. O. ....	Geneva.
Murphree, J. D. ....	Troy.
NeSmith, C. C. ....	Vernon.
Norman, J. D. ....	Union Springs.
Norwood, Joseph ....	Ft. Deposit.
Oates, Wm. C. ....	Montgomery.
O'Neal, Emmett ....	Florence.
O'Neill, J. W. ....	Birmingham.
Opp, Henry ....	Andalusia.
O'Rear, Rufus A. ....	Jasper.
Palmer, Dabley ....	LeRoy.
Parker, Geo. H. ....	Cullman.
Parker, J. H. ....	Wetumpka.
Pearce, J. P. ....	Pearces Mill.
Pettus, Earle ....	Athens.
Phillips, E. A. ....	Ashland.
Pillans, Harry ....	Mobile.
Pitts, P. H. ....	Selma.
Porter, J. H. ....	Iwana.
Proctor, J. F. ....	Scottsboro.

<i>Name.</i>	<i>Post Office.</i>
Reese, H. F.....	Selma.
Renfro, N. P.....	Opelika.
Reynolds, L. H.....	Jemison.
Reynolds, R. J.....	Curetons Bridge.
Robinson, J. J.....	LaFayette.
Rodgers, C. P.....	Letohatchie.
Rodgers, J. A.....	Gainesville.
Samford, Wm. H.....	Troy.
Sanders, W. T.....	Athens.
Sanford, J. W. A.....	Montgomery.
Searcy, Geo. A.....	Tuscaloosa.
Selheimer, H. C.....	Birmingham.
Sentell, J. O.....	Luverne.
Sloan, J. B.....	Sloan.
Smith, G. L.....	Mobile.
Smith, Mac. A.....	Prattville.
Smith, M. M.....	Autaugaville.
Sollie, M. ....	Ozark.
Sorrell, G. A.....	Alexander City.
Spears, N. B. ....	Pell City.
Spragins, R. E.....	Huntsville.
Stewart, J. H.....	Marion.
Studdard, S. L.....	Fayette.
Tayloe, W. H.....	Uniontown.
Thompson, J. F.....	Centreville.
Vaughan, W. M.....	Selma.
Waddell, B. DeG.....	Seale.
Walker, Richard W.....	Huntsville.
Watts, Thos. H.....	Montgomery.
Weakley, J. B.....	Florence.
Weatherly, James .....	Birmingham.
White, F. S.....	Birmingham.
Whiteside, W. W. ....	Anniston.
Willet, E. D.....	Carrollton.
Williams, A. E.....	Wetumpka.
Williams, Gesner .....	Demopolis.
Williams, Jere N.....	Clayton.
Wilson, E. P.....	St. Stevens.
Wilson, Massey.....	Grove Hill.
Winn, J. J.....	Clayton.

## STATE AT LARGE.

Robert J. Lowe, Birmingham; Frank S. White, Birmingham; Wm. C. Oates, Montgomery; John B. Knox, Anniston.

## CONGRESSIONAL DISTRICTS.

*First District*, Choctaw, Clarke, Marengo, Mobile, Monroe, Washington—W. F. Glover, Butler; E. R. Morrisette, Monroeville.

*Second District*—Baldwin, Butler, Conecuh, Crenshaw, Covington, Escambia, Montgomery, Pike, Wilcox—Thos. G. Jones, Montgomery; S. C. Jenkins, Camden.

*Third District*—Barbour, Bullock, Coffee, Dale, Geneva, Henry, Lee, Russell—J. N. Williams, Clayton; M. Solle, Ozark.

*Fourth District*—Calhoun, Chilton, Cleburne, Dallas, Shelby, Talladega—Watkins M. Vaughan, Selma; L. W. Grant, Anniston.

*Fifth District*—Autauga, Chambers, Clay, Coosa, Elmore, Lowndes, Macon, Randolph, Tallapoosa—Morgan M. Smith, Autaugaville; John T. Heflin, Roanoke.

*Sixth District*.—Fayette, Greene, Lamar, Marion, Pickens, Sumter, Hale, Tuscaloosa, Walker.—E. W. DeGraffenreid, Greensboro; Thomas L. Long, Jasper.

*Seventh District*.—Cherokee, Cullman, DeKalb, Etowah, Franklin, Marshall, St. Clair, Winston—C. L. Haley, Halesville, O. R. Hood, Gadsden.

*Eighth District*.—Colbert, Jackson, Lauderdale, Lawrence, Limestone, Madison, Morgan—Emmett O'Neal, Florence; R. W. Walker, Huntsville.

*Ninth District*—Bibb, Blount, Jefferson, Perry—A. C. Howze, Birmingham; J. F. Thompson, Centreville.

## SENATORIAL DISTRICTS.

*First District*, Lauderdale and Limestone—W. T. Sanders, Athens.

*Second District*, Lawrence and Morgan—D. C. Almon, Moulton.

*Third District*, Winston, Blount and Cullman—George H. Parker, Cullman.

*Fourth District*, Madison—J. W. Grayson, Gurley.

*Fifth District*, Jackson and Marshall—W. P. Hodges, Scottsboro.

*Sixth District*, St. Clair and Etowah—Hubert T. Davis, Gadsden.

*Seventh District*, Calhoun and Cleburne—L. F. Greer, DeArmenville.

*Eighth District*, Talladega and Clay—J. B. Graham, Talladega.

*Ninth District*, Randolph and Chambers—J. J. Robinson, Lafayette.

*Tenth District*, Tallapoosa and Coosa—J. C. Maxwell, Alexander City.

*Eleventh District*, Tuscaloosa—G. A. Searcy, Tuscaloosa.

*Twelfth District*, Lamar, Fayette and Walker—E. W. Coleman, Jasper.

*Thirteenth District*, Jefferson.—R. M. Cunningham, Ensley.

*Fourteenth District*, Pickens and Sumter—W. A. Altman, York Station.

*Fifteenth District*, Chilton, Shelby and Elmore—John H. Parker, Wetumpka.

*Sixteenth District*, Autauga and Lowndes—C. P. Rogers, Letohatchie.

*Seventeenth District*, Butler, Conecuh and Covington—John D. Lurnett, Evergreen.

*Eighteenth District*, Perry and Bibb—C. H. Greer, Marion.

*Nineteenth District*, Clarke, Choctaw and Washington—Dabney Palmer, Leroy.

*Twentieth District*, Marengo—Chas. H. Miller, Millers.

*Twenty-first District*, Monroe, Escambia and Baldwin—L. W. Lochlin, Monroeville.

*Twenty-second District*, Wilcox—R. C. Jones, Camden.

*Twenty-third District*, Henry, Dale and Geneva—George H. Malone, Dothan.

*Twenty-fourth District*, Barbour—A. H. Merrill, Eufaula.

*Twenty-fifth District*, Pike, Coffee and Crenshaw—William H. Samford, Troy.

*Twenty-sixth District*, Macon and Bullock—D. S. Bethune, Union Springs.

*Twenty-seventh District*, Lee and Russell—George P. Harrison, Opelika.

*Twenty-eighth District*, Montgomery—Tennent Lomax, Montgomery.

*Twenty-ninth District*, DeKalb and Cherokee—John A. Davis, Ft. Payne.

*Thirtieth District*, Dallas—P. H. Pitts, Selma.

*Thirty-first District*, Colbert, Franklin and Marion—A. H. Carmichael, Tuscumbia.

*Thirty-second District*, Greene and Hale—William B. Inge, Greensboro.

*Thirty-third District*, Mobile—Gregory L. Smith, Mobile.

## COUNTY DELEGATES.

- Autauga—Mac. A. Smith, Prattville.  
Baldwin—B. F. McMillan, Daphne.  
Barbour—J. J. Winn, Clayton; S. H. Dent, Eufaula.  
Bibb—John C. Jones, Blocton.  
Blount—J. B. Sloan, Oneonta.  
Bullock—James D. Norman, B. T. Eley, Union Springs.  
Butler—J. Lee Long, Greenville.  
Calhoun—J. T. Martin, Jacksonville; W. W. Whiteside, Anniston.  
Chambers—J. Thomas Heflin, J. B. Duke, LaFayette.  
Cherokee—H. W. Cardon, Center.  
Chilton—L. H. Reynolds, Jemison.  
Choctaw—G. H. Carnathan, Butler.  
Clarke—Massey Wilson, Grove Hill; John A. Gilmore, Thomasville.  
Clay—E. A. Phillips, Ashland.  
Cleburne—Wilson P. Howell, Oak Level.  
Coffee—M. S. Carmichael, Elba.  
Colbert—James T. Kirk, Tuscumbia.  
Conecuh—J. M. Foshee, Evergreen.  
Coosa—John H. Porter, Iwana.  
Covington—Henry Opp, Andalusia.  
Crenshaw—J. O. Sentell, Luverne.  
Cullman—W. T. L. Cofer, Cullman.  
Dale—William W. Kirkland, Ozark.  
Dallas—John F. Burns, Burnsville; B. H. Craig, Selma; H. F. Reese, Selma.  
DeKalb—D. C. Case, Lebanon.  
Elmore—A. E. Williams, Wetumpka.  
Escambia—Norvalle R. Leigh, Jr., Brewton.  
Etowah—R. B. Kyle, Gadsden.  
Fayette—S. L. Studdard, Fayette.  
Franklin—John A. Byars, Russellville.  
Geneva—W. O. Mulkey, Geneva.  
Greene—Thomas W. Coleman, Eutaw.  
Hale—Wm. N. Knight, J. M. Jones, Greensboro.  
Henry—T. M. Espy, Dothan; R. J. Reynolds, Curetons Bridge.  
Jackson—John F. Proctor, Milo Moody, Scottsboro.  
Jefferson—Charles W. Ferguson, Chas. P. Beddow, James Weatherly, John W. O'Neal, H. C. Selheimer, Birmingham; T. J. Cornwell, Bessemer.

Lamar—C. C. Nesmith, Vernon.

Lauderdale—John B. Weakley, John T. Ashcraft, Florence.

Lawrence—W. T. Lowe, Moulton.

Lee—Emmett C. Jackson, Auburn; Noah P. Renfro, Opelika.

Limestone—Eric Pettus, Athens.

Lowndes—Joseph Norwood, Ft. Deposit; Evans Hinson, Hayneville.

Macon—James E. Cobb, Tuskegee.

Madison—R. E. Spragins, A. S. Fletcher, Huntsville.

Marengo—John J. King, McKinley; Gesner Williams, Demopolis.

Marion—James P. Pearce, Guin.

Marshall—W. H. Bartlett—Guntersville.

Mobile—Harry Pillans, B. Boykin Boone, L. E. Brooks, Mobile.

Monroe—J. H. Barefield, Monroeville.

Montgomery—Gordon Macdonald, Edward A. Graham, Thos. H. Watts, John W. A. Sanford, Montgomery.

Morgan—Samuel Blackwell, New Decatur; John C. Eyster, Decatur.

Perry—J. H. Stewart, Marion; W. H. Tayloe, Uniontown.

Pickens—E. D. Willett, Carrolton.

Pike—J. C. Henderson, Joel D. Murphree, Troy.

Randolph—William A. Handley, Roanoke.

Russell—William H. Banks, Hatchechubbee; Boswell deG. Waddell, Seale.

Shelby—J. Robert Beavers, Columbiana.

St. Clair—N. B. Spears, Pell City.

Sumter—John A. Rogers, Gainesville; Reuben Chapman, Livingston.

Talladega—E. W. Ledbetter, Sylacauga; Cecil Browne, Talladega.

Tallapoosa—Thomas L. Bulger, Dadeville; George A. Sorrell, Alexander City.

Tuscaloosa—J. Manly Foster, Wm. C. Fitts, Tuscaloosa.

Walker—Rufus A. O'Rear, Jasper.

Washington—E. P. Wilson, St. Stephens.

Wilcox—J. N. Miller, Camden, Lee McMillan, Gastonberg.

Winston—Newman H. Freeman, Hayleyville.

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